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Note by the President of the Security Council

In paragraph 10 (d) of resolution 2040 (2012), the Security Council requested the Panel of Experts established pursuant to resolution 1973 (2011) to provide a final report to the Council with its findings and recommendations.

Accordingly, the President hereby circulates the report dated 15 February 2013 received from the Panel of Experts (see annex).

* Reissued for technical reasons on 12 April 2013.

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Annex

Letter dated 15 February 2013 from the Panel of Experts on Libya established pursuant to resolution 1973 (2011) addressed to the President of the Security Council

On behalf of the members of the Panel of Experts established pursuant to Security Council resolution 1973 (2011), I have the honour to transmit herewith the report of the Panel prepared in accordance with paragraph 10 (d) of resolution 2040 (2012).

(*Signed*) Salim **Raad**
Coordinator
Panel of Experts on Libya established pursuant to resolution 1973 (2011)

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Final report of the Panel of Experts established pursuant to resolution 1973 (2011) concerning Libya

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Summary

The final report of the Panel of Experts established pursuant to Security Council resolution 1973 (2011), and extended pursuant to resolution 2040 (2012), presents an analysis of the implementation of the measures imposed by resolution 1970 (2011), including the arms embargo and asset freeze, and the modifications contained in subsequent resolutions — 1973 (2011), 2009 (2011), 2016 (2011) and 2040 (2012), respectively — for the period since its appointment on 18 April 2012 until the date of the present report. The report also outlines the Panel's findings and presents eight recommendations to the Security Council, the Committee established pursuant to resolution 1970 (2011) concerning Libya, the Government of Libya and other Member States to improve the implementation of the relevant measures. The Panel also seeks to highlight instances of non-compliance based on substantiated data and information obtained.

The Panel's assessment is based on information received from Member States, relevant United Nations bodies, regional organizations and other interested parties during the period under review. The Panel also conducted several assessment trips to Libya and the subregion during the period, where it met key stakeholders, including the United Nations Support Mission in Libya. The Panel visited 15 countries and travelled to Libya 10 times.

The consultations held with individuals, regional organizations and relevant United Nations bodies, coupled with the information received from various Member States, afforded the Panel the opportunity to obtain extensive information in pursuance of its mandate, including on the evolution of the political and security context in Libya and its impact on the subregion.

Implementation of the arms embargo

Some notable efforts notwithstanding, most of the challenges to the implementation and enforcement of the arms embargo highlighted in the Panel's previous report persist today. Most Libyan stockpiles remain under the control of non-State actors, while the State security sector, in particular with regard to border control management, continues to be rebuilt.

In the past 12 months, the proliferation of weapons from Libya has continued at a worrying rate and has spread into new territory: West Africa, the Levant and, potentially, the Horn of Africa. Cases of illicit transfers from Libya, both proven and under investigation, include trafficking by land and sea to more than 12 countries. Illicit flows from the country are fuelling existing conflicts and enriching the arsenals of a range of non-State actors in the region and beyond.

In accordance with paragraph 13 of resolution 2009 (2011), a number of Member States have notified the Committee of transfers of military materiel and other security-related support to the Libyan authorities for security assistance. The Panel is, however, concerned by the absence of any official procurement mechanism within Libya and by the transfers of lethal materiel to end users whose identities remain unclear.

The Panel has continued to investigate cases of transfers of arms and ammunition to Libya during the uprising and has secured additional evidence of violations of the embargo during that period. The Panel is also investigating cases of materiel that entered Libya in breach of the embargo more recently.

Implementation of the asset freeze

In accordance with the provisions of resolution 2040 (2012), while maintaining the asset freeze imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), the Security Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining asset freeze measures imposed by those resolutions with regard to the Libyan Investment Authority and the Libyan Africa Investment Portfolio and to delist those entities as soon as practical to ensure that their assets were made available to and for the benefit of the people of Libya.

The focus of the Panel's efforts regarding the asset freeze measures has been directed towards the hidden assets of the Libyan Investment Authority, the Libyan Africa Investment Portfolio and the Libyan Arab Foreign Investment Company and towards the assets of the listed individuals, most of which are believed to be held abroad in various names. A single body has now been created by the Government of Libya to coordinate repatriation of such assets and is cooperating well with the Panel.

In this regard, substantial information has been gathered regarding efforts by certain designated individuals to negate the effects of the asset freeze measures by the use of front companies and through accomplices in various Member States who have been assisting them to that end. Further enquiries into these cases are continuing with the assistance of a number of Member States.

Furthermore, the Panel continues to assist the Committee in gathering, examining and analysing information regarding the implementation of the sanctions measures, in particular incidents of non-compliance. In this regard, in terms of the effective implementation of the asset freeze measures, one Member State has been identified by the Panel as having failed to comply with the measures. Enquiries continue into the implementation by other Member States that are strongly suspected of similar failures.

Travel ban

The Panel continued to seek further details on all travel ban violations, with a particular focus in this period on Saadi Qadhafi and Abdullah Al-Senussi, the chief of the Libyan Intelligence Service under the Qadhafi regime.

I. Background

1. By resolution 1970 (2011), the Security Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the gross and systematic violation of human rights. Within that context, the Council imposed specific measures on Libya, under Chapter VII of the Charter of the United Nations, including the arms embargo, which relates to arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, in addition to the provision of armed mercenary personnel. The arms embargo covers both arms entering and leaving Libya. The Council also imposed a travel ban and/or an asset freeze on the individuals listed in the resolution. Furthermore, the Council decided that the travel ban and the asset freeze were to apply to the individuals and entities designated by the Committee established pursuant to resolution 1970 (2011) concerning Libya involved in or complicit in ordering, controlling or otherwise directing the commission of serious human rights abuses against persons in Libya.

2. By resolution 1973 (2011), the Security Council strengthened the enforcement of the arms embargo and expanded the scope of the asset freeze to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence and use of force against civilians. Additional individuals subject to the travel ban and asset freeze were listed in the resolution, in addition to five entities subject to the freeze. The Council decided that both measures were to apply also to individuals and entities determined to have violated the provisions of the previous resolution, in particular the provisions concerning the arms embargo. The resolution also included the authorization to protect civilians and civilian populated areas under threat of attack in Libya. In addition, it included a no-fly zone in the airspace of Libya and a ban on flights of Libyan aircraft.

3. On 24 June 2011, the Committee designated two additional individuals and one additional entity subject to the targeted measures. By resolution 2009 (2011), the Security Council introduced additional exceptions to the arms embargo and removed two listed entities subject to the asset freeze, while allowing the four remaining listed entities to be subjected to a partial asset freeze. It also lifted the ban on flights of Libyan aircraft.

4. By resolution 2016 (2011), the Security Council terminated the authorization related to the protection of civilians and the no-fly zone. On 16 December 2011, the Committee removed the names of two entities previously subject to the asset freeze.

5. In resolution 2040 (2012), the Council directed the Committee, in consultation with the Libyan authorities, to review continuously the remaining measures with regard to the two listed entities — the Libyan Investment Authority and the Libyan Africa Investment Portfolio — and decided that the Committee was, in consultation with the Libyan authorities, to lift the designation of those entities as soon as practical.

6. During the reporting period, the Committee approved two implementation assistance notices, both relating to the arms embargo, and a notice concerning the asset freeze was issued on 7 March 2012. The notices are available on the Committee's website.

A. Mandate and appointment

7. By resolution 2040 (2012), the Security Council decided to extend and modify the mandate of the Panel of Experts established pursuant to resolution 1973 (2011) for a period of one year, and with the number of experts reduced from eight to a maximum of five, to carry out the following tasks: to assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011); to gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided upon in resolution 1970 (2011), 1973 (2011) and 2009 (2011), in particular incidents of non-compliance; to make recommendations on actions that the Council, the Committee, the Libyan authorities or other States might consider to improve implementation of the relevant measures; and to provide to the Council an interim report on its work no later than 90 days after its appointment and a final report no later than 30 days prior to the termination of its mandate with its findings and recommendations.

8. The Council also encouraged the Panel, while mindful of the responsibility of the United Nations Support Mission in Libya (UNSMIL) to assist the Libyan authorities to counter illicit proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, and to secure and manage Libya's borders, to continue its investigations regarding sanctions non-compliance, including illicit transfers of arms and related materiel to and from Libya and the assets of individuals subject to the asset freeze established in resolutions 1970 (2011) and 1973 (2011) and modified in resolution 2009 (2011), and encouraged UNSMIL and the Libyan authorities to support Panel investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities, as appropriate.

9. While resolution 2040 (2012) was adopted on 12 March 2012, the experts were reappointed only on 18 April. The delay in circulating the names of the nominated individuals, together with the normal administrative processing time, effectively reduced the Panel's working period from 12 to 11 months. The Panel consists of two arms experts, two finance experts and one regional expert.

B. Methodology

10. Following the renewal of its mandate, the Panel agreed on 18 April to adopt the methodology set out below, consistent with its past approach.

11. The Panel is determined to ensure compliance with the standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions in its report (S/2006/997). Those standards call for reliance on verified, genuine documents and concrete evidence and on-site observations by the experts, including taking photographs, wherever possible. When physical inspection is not possible, the Panel will seek to corroborate information using multiple, independent sources to appropriately meet the highest achievable standard, placing a higher value on statements by principal actors and first-hand witnesses to events. While the Panel wishes to be as transparent as possible, in situations where identifying sources would expose them or others to unacceptable safety risks, the Panel will withhold identifying information and place the relevant evidence in United Nations secure archives.

12. The Panel is committed to impartiality in investigating incidents of non-compliance by any party.

13. The Panel is equally committed to the highest degree of fairness and will endeavour to make available to parties, where appropriate and possible, any information available in the report for which those parties may be cited, for their review, comment and response within a specified deadline. To further uphold the right of reply and in the interest of accuracy, the Panel will consider annexing to its reports any rebuttals, with a summary and assessment of their credibility.

14. The Panel safeguards the independence of its work against any efforts to undermine its impartiality and any attempts to create a perception of bias.

C. Cooperation with stakeholders and organizations

15. Since its appointment on 18 April 2012, the Panel has undertaken 28 visits to 15 Member States in Africa, Europe and the Middle East, including 10 visits to Libya (see annex I to the present report). During its visits to Libya, the Panel travelled to Tripoli, Benghazi and Misrata. Towards the end of the reporting period, the Panel faced restrictions on its movements outside Tripoli owing to logistical difficulties and the degradation of the security situation in the country.

16. Within the region, the Panel travelled to Algeria, Chad, Egypt, the Niger, Nigeria and Tunisia, where it met relevant representatives of national authorities, foreign diplomatic missions, international organizations, non-governmental organizations and civil society. During its visits to Ethiopia and Kenya, the Panel participated in workshops on United Nations sanctions. The Panel also travelled to Albania, Belgium, Israel, Lebanon, Malta and the United Kingdom of Great Britain and Northern Ireland, where it met the relevant authorities to obtain information in furtherance of its mandate, including through on-site inspections (see annex II to the present report).

17. The Panel travelled to New York on three occasions, during which it presented its interim report to the Committee and participated in an open briefing organized by the Chair of the Committee. While in New York, the Panel also met representatives of the permanent missions to the United Nations of 22 Member States. The Panel also travelled to Washington, D.C., where a meeting was held with the Libya teams of the International Monetary Fund and the World Bank, and another with the Department of State of the Government of the United States of America.

18. The Panel has sent 150 official communications since 18 April 2012 (see annex III to the present report). The degree of responsiveness of Member States to requests for information has varied, with some providing a comprehensive and timely response, others less so and some not at all (see annex IV to the present report).

19. The Panel has encountered delays in obtaining responses by some Member States to its visit requests. The main reason given was a delay in communication and decision-making within national institutions. The Panel appreciates that its long-standing visit requests to Algeria and Chad received a positive response in the current reporting period. The Panel looks forward to visiting Mali in the near future. The Panel is grateful for the support provided by the Committee in expediting responses to some of its requests.

20. The Panel contacted several Member States to request their assistance in tracing materiel found in Libya and elsewhere to better understand arms flows into and out of the country. The Panel wishes to thank them for their cooperation, timely responses and access to seized weapons and ammunition, in particular Belgium, Egypt, Lebanon, Malta, Pakistan and Tunisia.

21. During the current mandate, the Panel maintained good cooperation with UNSMIL and received valuable logistical support during its visits to Libya.

D. Political and security context

1. Overview

22. Elections held on 7 July 2012 marked a key milestone in the road map for the transitional period. After an unsuccessful attempt at forming a government under the Prime Minister, Mustafa Abushagur, early in October, the General National Congress elected Ali Zeidan as Prime Minister on 14 October. The Government was subsequently formed on 31 October.

2. Political context

23. Technical efforts to stem proscribed weapons flows rely upon the functionality and reach of the Government. While technical support can bolster government capacity, where the Government's remit is fundamentally challenged or absent, political action is required to expand the Government's reach. Accordingly, technical measures such as counter-proliferation must be built upon a solid political foundation if they are to be effective.

24. To date, international support has been weighted towards technical assistance; a form of aid more acceptable in the Libyan context. Continuing challenges to the Government's remit, however, highlight the importance of strengthening national political processes in support of the Government.

25. Plans to establish a credible constitutional process, and national dialogue to support it, afford an opportunity to expand the remit of the Government. Transitional justice and reconciliation processes aim to address a second major tension challenging that remit: that of elements associated with the former Qadhafi regime resisting the current authority.

3. Arms proliferation

26. The post-conflict Libyan context poses a challenge in clearly designating responsibility for arms proliferation. Proliferation traced to areas in which autonomous brigades exert greater control than the Government could be seen as absolving the Government, given its limited remit, of some responsibility. Accordingly, assessing immediate responsibility is complicated by the need to determine degrees of authority and effective control in the areas from which arms flow.

27. Higher-level shortcomings in governance contribute to the vacuum of governmental authority and control, however, as do decisions to accord priority to other matters. This creates a second, more removed, criterion for assessing responsibility in the overview of arms proliferation.

4. Security sector

28. As the Libyan security sector is being rebuilt, its ad hoc and, at times, overlapping structures reflect the need to cater to various Libyan regional and political constituencies and the pre-existing brigades. As such, although State security institutions are nominally national, for the moment many of the individual security organs represent specific groups, regions or political affiliations. Given this dynamic, it should be ensured that international security and disarmament assistance support reaches the national security forces.

5. Security context

29. Three major conflict trends are present in Libya, each with a distinct impact on arms proliferation.

30. Clashes between the Libyan minority ethnic groups and the majority ethnic group on the Libyan periphery are underpinned in part by competition for resources. Occurring in border areas where control of smuggling routes represents a key livelihood, the end of oversight by the Qadhafi regime is occasioning renegotiation of previous arrangements. The Tabu are seeking a greater share of the lucrative smuggling routes in the south of Libya, while the Amazigh (related to but distinct from the Tuareg) aspire to same in the east. The latest violence in southern Libya, occurring on 20 and 21 September 2012, saw fighting between residents of the town of Shati and armed brigades originating from Tripoli.

31. Fighting between government forces and former Qadhafi-aligned regions continues. In a recurring cycle of fighting and temporary resolution, October 2012 witnessed a number of violent outbreaks in Bani Walid, a town associated with former Qadhafi loyalists. This latest cycle of violence reached a temporary denouement when, on 24 October, authorities declared that hostilities had ceased. The flight to the Sahel of Tuareg and other minority ethnic group fighters, seen as allies of the Qadhafi Government, was the result of fear of reprisals. While the major exodus has already occurred, further threats against these groups may occasion more population movements with the potential to further fuel instability in the Sahel.

32. The situation in eastern Libya poses the most serious threat to stability and arms proliferation. Fear of a return to Qadhafi-era marginalization creates an environment hostile to the Government's reach. Within this vacuum, some armed groups with an Islamist orientation, transnational linkages and aspirations, and external support have established a strong presence, the limited popular support notwithstanding.

33. Initially maintaining a discreet profile, these armed groups have escalated their attacks against international targets in the Benghazi region. Recent attempts by the Government to reign in their activities have resulted in brazen reprisal killings targeting senior representatives of government security forces.

34. While resistance by the autonomous brigades to subjugation under the Government's authority is a challenge throughout Libya, the threat posed by these armed groups is of a higher order because of their transnational character. They may attract international support in the form of fighters and material assistance or, equally, be a source of support to ideologically aligned groups beyond Libya.

35. Countering this threat carries urgency, given that the longer that it is left unchecked the greater the possibility that the current hostile autonomous area will solidify into a de facto State within the State.

6. Regional context

36. During the Panel's missions to countries throughout the Sahel, government interlocutors raised the impact of the changes in Libya on local security dynamics. The increased availability of weapons has empowered a variety of non-State actors in conflict with national authorities. A particular concern is that extremist armed groups, being the best financed among the non-State actors, are well placed to purchase weapons, thereby strengthening their positions. Increased cooperation between these groups is another phenomenon often pointed out to the Panel.

7. Trafficking patterns

37. Transfers from Libya of more regular and significant quantities of arms and, at times, fighters have developed towards two geographic areas: Egypt and the Sahel. Beyond those two areas, notable but less regular transfers have occurred to, among others, the Syrian Arab Republic (fighters and arms) and across the southern border of Libya into Chad.

38. Driven by efforts to diversify supply routes and types of arms, linkages with the Gaza Strip have been developed to eastern Libya and, to a lesser degree, the Tripoli region. Transit occurs mostly by land, from the Benghazi region towards Marsa Matruh, Egypt, and onward. Some trafficking also utilizes a sea route originating from Benghazi.

39. Multiple sources indicate that the end destination for the majority of arms is the Gaza Strip, but this is difficult to verify. It is also likely that a smaller proportion of arms remain in the Sinai for use against the Government of Egypt by the low-level insurgency in that region. The Egyptian authorities informed the Panel that arms also dispersed throughout other parts of Egypt. While as yet unproven, it is possible that hubs along this trafficking route may in the future serve as points for onward transfers to other countries.

40. The exacerbating impact of the post-Qadhafi outpouring of arms and returning fighters on the situation in Mali is well recognized. Current linkages to Libya operate on two levels: a mixture of Tuareg and other Libyan minority ethnicities fleeing the perceived hostile post-Qadhafi Libyan State and linkages between radical armed groups centred in the east of Libya with transnational elements affiliated to Al-Qaida operating in Mali.

II. Implementation of the arms embargo

A. Challenges to countering weapons proliferation

41. The efforts made by the Government of Libya and its security forces to improve the security in the country notwithstanding, most of the challenges pertaining to the containment of arms proliferation within and from Libya identified in the Panel's previous report persist today. Civilians and brigades remain in control of most of the weapons in the country, while the lack of an effective security system

remains one of the primary obstacles to securing military materiel and controlling the borders. Consequently, and as the present report demonstrates, the proliferation of weapons from Libya continues at an alarming rate.

1. Arms control

42. While a number of brigades have now joined the Libyan army or have links with formal security forces, ranging from a reallocation of resources under a more formal mandate or being assigned as auxiliaries in areas in which the national forces have no presence, it appears that most brigades remain in control of their own weapons.

43. Efforts by regular and non-State forces to control and manage weapons need further development in order to reach a reasonable and secure level. While international partners, including UNSMIL, are supporting crucial efforts to secure weapons storage, these efforts are conducted only in certain parts of the country.

44. Several small-scale civilian disarmament initiatives were launched during the reporting period, with limited results. The Government considers disarmament and weapons control to be a high priority. The efforts of the authorities towards regaining control of weapons arsenals notwithstanding, the results are limited and the authorities have been slow in introducing control measures for civilian weapons ownership.

2. Border control

45. Land border management remains the greatest challenge for the Government, given that the borders are long and difficult to control and available capacity is currently limited. During the Panel's visits to the region, the authorities of the neighbouring countries highlighted the need for the Government to step up its efforts to control its border. Exchange visits between the Libyan authorities and neighbouring countries are continuing, including a summit held in January 2013 in Ghadames to tackle border control issues.

46. Within the Government, the responsibility for border control has been recently transferred to the Chief of Staff of the armed forces. Various initiatives relating to border control have been introduced with the support of international partners, including the European Union.

B. Security and disarmament assistance to the Libyan authorities

1. Ensuring responsible transfer

47. The Panel is concerned by the transfer of military materiel, in particular lethal materiel, by Member States to end users whose identities are unclear and by the lack of an official Libyan procurement body that would have oversight of military transfers. This is of particular concern given the current fragmentation of the formal security sector institutions and the existence of a range of parallel security institutions that enjoy various degrees of cooperation with the formal sector.

48. In paragraph 13 of resolution 2009 (2011), the Security Council introduced additional exemptions to the arms embargo, allowing the transfer of arms and related materiel, including training and other support, for security and disarmament

assistance to the Libyan authorities. Such transfers should be notified to the Committee in advance.

49. Since the adoption of that resolution, various Member States have submitted notifications (77 notifications from Member States and 1 from an international organization) of transfers of military materiel and other related support to the Libyan authorities, including training, military utility vehicles, communication equipment and arms, such as air force, navy and army weapon systems and related spare parts, materiel refurbishment and ammunition. To date, none of those notifications have been blocked by the Committee.

50. To assist Member States in implementing the arms embargo on Libya and to support the Committee in ensuring that transfers are intended solely for security and disarmament assistance to the Libyan authorities as provided for in paragraph 13 of resolution 2009 (2011), the Panel drafted implementation assistance notice No. 2,[1] which was issued by the Committee on 25 July 2012. It provides a list of information that Member States should include in their notifications, including the precise end user, the exact quantity of items and a detailed list of equipment to be provided, in addition to a note from the Libyan body responsible for dealing with requests for support and dates of delivery. In November 2012, the Panel also gave a briefing on the notice to Member States in New York, as part of the open briefing to Member States by the Chair of the Committee.

51. The release of the notice notwithstanding, the Panel noted that the information provided in the notifications was not standardized, including a lack of information regarding the exact end user and the absence of a formal point of procurement within the Libyan Administration. The Panel observed that some notifications were based on demands for support signed by a range of Libyan representatives, including military attachés of Libyan embassies and representatives of various ministries, while other notifications simply mentioned "in support of the Libyan authorities", without reference to specific authorities.

52. While article 4 (11) of Law No. 11, adopted by the National Transitional Council in 2012, provides that the Minister of Defence is responsible for military procurement, the requests made by departments of the Ministry or the army have in practice been signed by a range of actors other than the Minister. The Panel is unaware of any similar decision for the Ministry of the Interior.

53. The Committee sought the views of the Libyan authorities in relation to the standardization of the notification process in a letter dated 25 July 2012. The Panel also raised the matter on several occasions during meetings with the relevant Libyan authorities. While it appears that Libyan interlocutors share the concerns raised by the Panel, no specific steps appear to have been taken to date to tackle the issue.

2. Facilitating security assistance

54. The Panel notes that many notifications relate to non-lethal equipment, including unarmed vehicles, communication equipment, protective equipment and training. The extensive number of notifications generates a significant amount of work for the Committee members, which may undermine the focus required on the more sensitive notifications relating to arms and ammunition. Various types of

[1] Available from www.un.org/sc/committees/1970/pdf/implementation_assistance_notice_2.pdf.

military-related equipment, including, for example, uniforms and vehicles, and training have been delivered to the Libyan forces without notifications having first been submitted, however.

55. The Panel therefore believes that notifications should apply only to weapons of all kinds (small arms and light weapons including machine guns, man-portable air defence systems, anti-tank guided weapons and rocket-propelled grenades — the Panel can suggest a list to the Committee in due time) which, along with related spare parts and ammunition, carry a high risk of misuse and diversion. Additional checks into the end users and their actual weapons management capacity by exporting Member States are therefore required.

56. Waiving the requirement to submit notifications for security assistance, aside from weapons and ammunition, will not only facilitate the provision of necessary security assistance but also ease monitoring obligations for the Libyan authorities and the Committee to allow for a focus on weapons and ammunition.

C. Transfers of military materiel to Libya during the revolution in support of the parties to the conflict

57. The Panel endeavoured to balance its investigation by looking into actions of all relevant actors. At the conclusion of its current mandate, the Panel could secure only limited information relating to potential sanctions violations committed by the Qadhafi Government. The following section therefore reflects the information available to the Panel and is not indicative of a judgement by the Panel that any actors require greater attention than others.

58. The dearth of information on transfers to the Qadhafi Government is accounted for by the difficulty in locating Libyan and international sources willing to share information on such transfers, whereas anti-Qadhafi forces and their supporters were more forthcoming with information on transfers.

1. Transfers of military-related materiel and provision of military personnel to the anti-Qadhafi forces

59. The Panel continued to investigate the transfers of military materiel to Libya described in its previous report (S/2012/163) and identified additional cases of transfers, including breaches of the embargo, during the uprising.

60. A number of Member States delivered weapons and ammunition in support of the revolutionaries, including through notifications of provision of arms and ammunition. According to the Panel's investigation, while Qatar and the United Arab Emirates provided weapons and ammunition, they submitted notifications under paragraph 4 of resolution 1973 (2011), pertaining to the provision of military aircraft and humanitarian aid, and at no stage submitted notifications of any transfers of arms or ammunition. The Panel contacted Qatar and the United Arab Emirates to request further information regarding the transfers that they made and to afford them an opportunity to inform the Committee and the Panel about the exact nature of their deliveries. While Qatar denied that it had ever transferred any materiel to the revolutionaries, the United Arab Emirates did not respond. The Panel therefore considers that these States never intended to utilize the provisions of the

sanctions regime to deliver arms and ammunition and therefore provided this materiel to the Libyan opposition in breach of the arms embargo.

61. As highlighted in the Panel's previous report, the deliveries of arms and ammunition during the uprising in Libya were completed without any control measures on the ground, resulting in the uncontrolled movement of materiel. Some 18 months after the end of the conflict, some of this materiel remains under the control of non-State actors within Libya and has been found in seizures of military materiel being trafficked out of Libya.

Transfers of military materiel involving Qatar

62. During its first mandate, the Panel was informed by the Libyan opposition military authorities and confidential sources that Qatar was providing military materiel to the revolutionary forces through the organization of a large number of flights and the deliveries of a range of arms and ammunition (see S/2012/163, paras. 91-102).

63. In February 2012, Qatar submitted a rebuttal to the Panel's findings. It denied that it had supplied the revolutionaries with arms and ammunition, explaining that the authorities had sent a limited number of military personnel to Libya with limited arms and ammunition for self-defence (see S/2012/163, annex V).

64. The Panel requested Qatar to provide information about the precise number of troops that it had sent and the quantities and types of military materiel that it had delivered to Libya. No information was provided to the Panel despite several requests, including a letter sent by the Committee to Qatar in November 2012 in which it requested the authorities to respond to the Panel's request for detailed information.

65. During its second mandate, the Panel continued to investigate the transfers of materiel by Qatar to Libya. The Panel traced additional materiel delivered by Qatar and secured a number of additional testimonies from Libyan and international military sources, which the Panel is keen to protect, about the critical role that Qatar played in delivering military materiel to the revolutionaries.

66. In the preparation of the present report, the Panel contacted Qatar regarding all the below findings and requested the authorities to explain the support that they provided to the opposition during the uprising. Qatar provided no further information regarding the transfers and denied that it had provided military materiel to the revolutionaries. Notwithstanding that rebuttal (see annex V to the present report), the Panel stands by its findings that Qatar supplied arms and ammunition to the opposition during the uprising in breach of the arms embargo.

Transfer of 7.62 x 51 mm ammunition

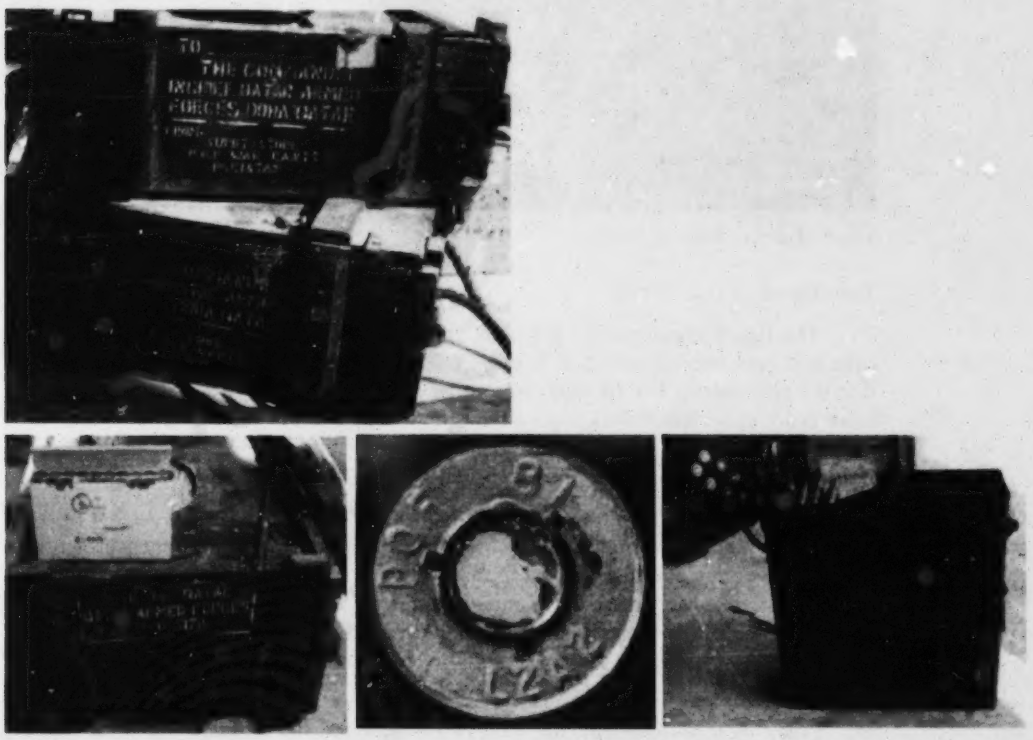
67. The Panel gathered evidence of the transfer to Libya of Pakistani-made ammunition sold to Qatar in the 1980s, boxes of which have been found in different locations in the north of Libya.

68. Markings on the boxes clearly indicate that the boxes were exported by Pakistan to the Commander-in-Chief of the Qatar armed forces, Doha, Qatar (see figure I).

69. In response to a query from the Panel, the Pakistani authorities explained that the Pakistan Ordnance Factories had supplied several million rounds of 7.62 x 51 mm ammunition between 1981 and 1982 to Qatar and that some of that materiel must have been re-exported to Libya in violation of obligations contained in the end-user certificate signed by Qatar.

70. The Panel has evidence that some of the materiel is currently under the control of Libyan non-State actors. During the Panel's inspections abroad, this ammunition was also found in illicit transfers of materiel from Libya to other countries, including a transfer to Tunisia (see para. 121) and a shipment destined for the Syrian opposition (see para. 171).

Figure I
Ammunition boxes exported by Pakistan to Qatar in the 1980s



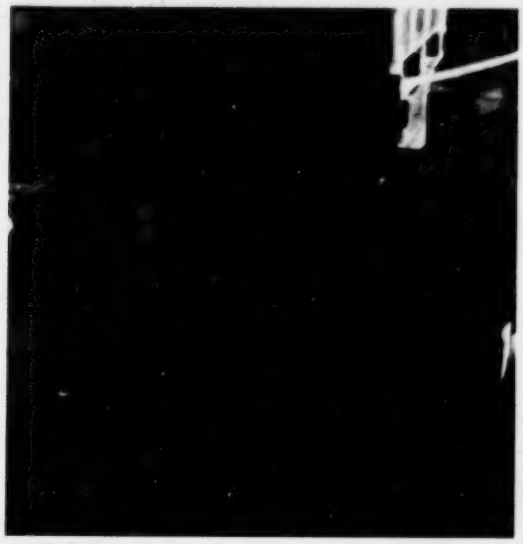
Source: Panel of Experts, 2012.

Transfer of 12.7 x 99 mm ammunition

71. During the Panel's inspection of the materiel seized on board the *Letfallah II* coming from Libya (see para. 171), the Panel found a box of .50 ammunition that was opened in front of the Panel and that clearly identifies the recipient as the Chief of the armed forces of Qatar (see figure II).

72. The Panel has requested the Member State that manufactured the ammunition to confirm that the ammunition was originally sent to Qatar and is awaiting a response.

Figure II
12.7 x 99 mm ammunition box seized on board the *Letfallah II*



Source: Panel of Experts, 2012.

Transfer of an assault rifle

73. The Panel requested the Belgian authorities to assist in tracing an FNC assault rifle that was photographed in Libya in 2012.[2] The Belgian authorities responded that the rifle (serial No. 025992) bore markings that resembled a rifle that was part of an order exported to the Qatari armed forces in Doha around 1980.

Transfers of military materiel involving the United Arab Emirates

74. Following the adoption of resolution 1973 (2011), the United Arab Emirates notified the Security Council on 21 March 2011 that it would take measures under the authorizations conferred in paragraphs 4 and 8 of the resolution and submitted a notification of provision of humanitarian aid. It then sent a second notification regarding its contribution to military operations through the provision of military aircraft. No notification was ever submitted regarding transfers of weapons and ammunition.

75. Since its establishment, the Panel has contacted the United Arab Emirates on several occasions to request information regarding specific transfers and details of the quantity of military materiel and personnel sent to Libya during the uprising. A visit to the United Arab Emirates in 2011 and a letter from the Committee sent in November 2012 requesting the authorities to respond to the Panel's communications notwithstanding, the authorities have provided no information in this regard and have failed to respond to the requests for information sent by the Panel.

76. The Panel continued to investigate the transfers of military materiel from the United Arab Emirates to Libya as included in its previous report (S/2012/163) and secured a body of evidence, as presented below.

[2] See www.the-trigger.tumblr.com.

Transfer of ammunition to Libya involving the United Arab Emirates, Armenia, Albania and Ukraine

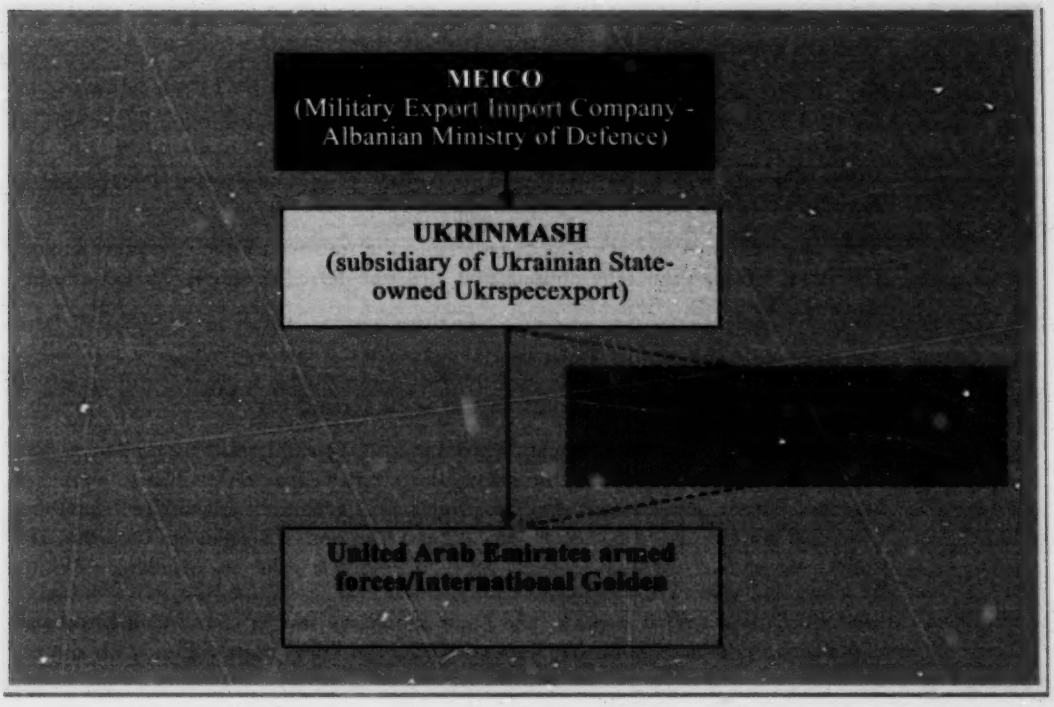
77. The Panel was informed that military materiel was transferred on 10, 11 and 12 September 2011 by an Armenian carrier from Tirana International Airport Nënë Tereza in Albania to Benghazi, the imposition of the arms embargo notwithstanding.

78. The cargo included 800,000 12.7 x 108 mm rounds of ammunition originating from Albanian surplus stocks,[3] of which the official owner and end user was the armed forces of the United Arab Emirates (see annex VI to the present report).

Chain of contracts between trading entities

79. The chain of custody of this transfer implies that various actors were involved, requiring a long investigation by the Panel to better understand the process. The involvement of a number of intermediaries notwithstanding, the ammunition was simply transferred from Albanian stocks and flown directly from Albania to Libya (see figure III).

Figure III
Chain of exports of the ammunition


MEICO
(Military Export Import Company - Albanian Ministry of Defence)
UKRINMASH
(subsidiary of Ukrainian State-owned Ukrspecexport)
United Arab Emirates armed forces/International Golden

[3] While the Albanian authorities explained that they had no precise list of lot numbers, the ammunition was mainly of Chinese origin, largely produced between the 1960s and the end of the 1970s.

80. From the investigation made by the Panel, it appears that the Military Export Import Company (MEICO),[4] a public company operating under the authority of the Ministry of Defence of Albania, was contacted, along with other companies in the region, by DG Arms Corporation in July 2011. DG Arms Corporation is an Armenian broker that was seeking to purchase surplus ammunition for the United Arab Emirates.

81. MEICO preferred to sign a deal with a State entity rather than an independent broker, which led to the involvement of UKRINMASH, a subsidiary of the Ukrainian State-owned Ukrspecexport.[5] MEICO sold 800,000 rounds of 12.7 x 108 mm ammunition to UKRINMASH, which, through the Armenian agent, subsequently re-exported it to the United Arab Emirates armed forces/International Golden Group.[6] International Golden Group represented the armed forces of the United Arab Emirates in the deal and signed the delivery verification certificate relating to the ammunition on their behalf (see annex VII to the present report).

82. The Panel discovered that the 800,000 rounds were part of a larger deal between UKRINMASH and the Government of the United Arab Emirates (through the Armenian agent), including 2 million 12.7 x 108 mm rounds and 1,000 AK-47 assault rifles (see annex VIII to the present report). The Panel is continuing to investigate the remaining 1.2 million rounds and the assault rifles.

Physical transfer and carrier

83. Flight permits were issued in accordance with an official request made by MEICO in order to proceed with exports of military materiel through the airport on the dates of 10, 11 and 12 September 2011 to Abu Dhabi International Airport. The flight route changed, however, and the three flights delivered their cargo to Benghazi (see annex IX to the present report).

84. The carrier, Ayk Avia, was brought into the transfer by the Armenian broker, DG Arms Corporation. The ammunition was transferred by an IL-76 TD aircraft, with registration No. EK 76599.

85. Ayk Avia is a company registered in Armenia. It has previously been involved in a breach of the sanctions regime on Somalia, according to the Monitoring Group on Somalia and Eritrea (see S/2011/433, annex 6.3, para. 15).

86. The Panel gathered information from both open and confidential sources that, after the series of flights to Benghazi, the aircraft flew on to the Republic of Moldova. From there, it operated two flights to Armenia on 13 and 14 September 2011 that were reported by the media to have transported surplus military materiel and to have had political consequences in the Republic of Moldova.[7] Within 24 hours, the aircraft was registered under a new company called Skiva Air, based in Sharjah, United Arab Emirates. The Panel contacted the Armenian and Moldovan authorities to understand clearly the various legs of the aircraft's flight path and the

[4] See www.meico.gov.al.

[5] See www.ukrspecexport.com/index/index/id/background/lang/eng.

[6] International Golden Group is a private company based in Abu Dhabi that, among other things, provides security and defence solutions to the security agencies of the United Arab Emirates.

[7] "Moldova army chief sacked amid Libya arms shipment scandal", 28 September 2011. Available from http://news.monstersandcritics.com/africa/news/article_1665591.php/Moldova-army-chief-sacked-amid-Libya-arms-shipment-scandal.

type of activities in which the company was involved. While the Armenian authorities provided information in response to several of the Panel's questions, they did not comment on that particular request. The Republic of Moldova has not yet responded to the Panel's request for information.

87. Paragraphs 88 to 93 below explain the involvement of several Member States in this transfer.

88. The United Arab Emirates was the original end user of the ammunition and organized its transfer to Benghazi in breach of the arms embargo. The Panel contacted the United Arab Emirates regarding this transfer on several occasions but received no response.

89. With regard to Armenia, the agent who brokered the deal and the company that operated the flights in violation of the embargo are both registered in Armenia. The Panel sent a request for information to the Armenian authorities, who provided the registration documents of the two companies and acknowledged the transfer of ammunition to Libya. The Panel will follow up in this regard.

90. Albania fully cooperated with the Panel. The Panel was able to visit Albania to better understand the organization of the shipments and was provided with all the requested information.

91. The Albanian authorities informed the Panel that they were unaware that the flight plan had been amended by the carrier officially flying to the United Arab Emirates and that the amendments had been made outside Albanian airspace. It was brought to the Panel's attention, however, that some departments of the Albanian authorities were likely to have possessed sufficient information about those amendments but failed to take appropriate action. Specifically, that information includes a landing permission request received by the aviation authorities on 8 September 2011 for an aircraft whose purpose of landing is recorded as "charter flt on sector LATI-DTTJ-HLLB" (Tirana-Zarzis-Benghazi). According to the landing permission requested, the cargo to be loaded on to the aircraft was recorded as a "dangerous cargo of UN 0300 1.4G", thus clearly stating that the cargo was military materiel. Furthermore, the flight plans were shared with the aviation authorities before the first flight departed and clearly state that the aircraft was bound for Benghazi (see annex IX to the present report). In total, three flights loaded with the same cargo travelled the same flight path between Tirana and Benghazi over three days without being questioned by the Albanian authorities.

92. In response to those observations, Albania sent a letter to the Panel in which the authorities explained that the unilateral modification of the flight route by the carrier failed to be noticed and prevented by the domestic and international air traffic authorities. They explained that it was the result of human error and lack of proper attention by individual agents of the air traffic authorities and that there was no plan or decision by the Government to act in any way or approve any action incompatible with the respective Security Council resolutions. Albania is currently conducting an internal investigation to identify elements that failed to function in this specific case.

93. With regard to Ukraine, the Panel contacted the Ukrainian authorities to enquire about the fact that the ammunition that they ostensibly exported to the United Arab Emirates was not transferred physically to the United Arab Emirates but to Libya. Ukraine provided the Panel with the end-user certificate, which states

that the goods will not be re-exported or handed over to third countries without the prior consent of the empowered authorities of the Ukraine and the United Arab Emirates. Ukraine did not comment on the fact that the materiel was never delivered to the United Arab Emirates but to Libya.

94. Lastly, the three flights received deconfliction numbers from the North Atlantic Treaty Organization (NATO), the existence of the no-fly zone and the arms embargo imposed by the Security Council in resolutions 1970 (2011) and 1973 (2011) notwithstanding.

95. The Panel contacted NATO to enquire as to who had requested the deconfliction number for the flights and the justification for granting it. NATO explained that there was no basis to refuse deconfliction unless there was a specific reason to believe that a given flight contained goods in violation of the embargo. NATO did not provide information regarding who had requested the deconfliction.

96. According to documents provided to the Panel, the clearance was transmitted to the Armenian company by the United Arab Emirates Air Force and Air Defence.

97. In its previous report, the Panel reported that 20 flights had delivered military materiel to the revolutionaries during the uprising (S/2012/163, para. 95).

Other transfer(s) in breach of the embargo involving the United Arab Emirates

98. To better understand arms dynamics in and out of Libya, the Panel requested several Member States that manufacture military materiel to trace materiel found in Libya by the Panel and other sources, including media sources.[2]

99. In the first tracing request, an FN FAL assault rifle photographed in Libya in 2012 (serial No. 1514944) was identified by the Belgian manufacturer as being part of an order that was delivered to the Emirate of Dubai, United Arab Emirates, in 1979.

100. In the second tracing request, another FN FAL assault rifle photographed in Libya in 2012 (serial No. 1731984) was identified as resembling a weapon delivered to the Emirate of Dubai in an order dated 19 April 1991.

Transfers of military materiel to Libya involving the Sudan

101. Following up on its investigations into the transfers of military materiel made by the Sudan during the uprising in violation of the arms embargo and reported in its previous report (S/2012/163, para. 105), the Panel received evidence that ammunition found in Libya, bearing markings that suggest it was produced in 2011, might originate from the Sudan. The Panel recently initiated a tracing request to the Government of the Sudan.

Transfer of an unmanned aerial vehicle by a Canadian company to the opposition

102. According to a press release dated 22 August 2011 by Aeryon Labs Inc.,[8] a company based in Ontario, Canada, a drone manufactured by the company was transferred to the Libyan opposition in 2011 to help to acquire intelligence on enemy positions and coordinate the resistance efforts. The press release states that an Aeryon Scout Micro unmanned aerial vehicle was transferred to Misrata by boat

[8] Available from www.aeryon.com/news/pressreleases/271-libyanrebels.html.

from Malta under the supervision of a private security company based in Canada, Zariba Security Corporation, and that a representative of that company trained members of the Libyan opposition at the airport in Misrata.

103. The Panel sent a request for information to Canada in July 2012. In August 2012, Canada informed the Committee secretariat that the authorities were conducting a criminal investigation into the case and therefore could not release more information at that time. Before the publication of the present report, the Panel again contacted the Canadian authorities and was told that the case remained under investigation.

2. Transfers of military materiel in support of the Qadhafi forces

104. Since its previous report, the Panel has continued to follow up on several cases, but has identified only attempts to transfer materiel in support of the Qadhafi forces. The Panel has been investigating allegations of a possible transfer of weapons to the Qadhafi regime in 2011. In this regard, the Panel wrote to the Libyan authorities in November 2012 to enquire about two officers allegedly involved in military procurement outside Libya. It is crucial to locate the officers, but no response has yet been received.

105. Regarding the issue of foreign fighters, in July 2012, the Prosecutor General of the Libyan army, Brigadier General Massoud Arhouma, informed the Panel that a number of Eastern European fighters had been sentenced by a military tribunal for acting as mercenaries in support of the previous regime during the revolution and that a further number remained in Zintan awaiting trial.

106. He also referred to a number of foreign fighters from countries in Africa who had been sentenced, noting that an unspecified number previously under arrest had been released. During a meeting with representatives of the Prosecutor General's office in Tripoli in August 2012, the Panel was informed that the fighters were still awaiting trial.

107. The Panel is following up in this regard and hopes to receive additional information from the Libyan authorities regarding the evidence that they possess against these individuals.

3. Transfers of military materiel to Libya since the end of the uprising in violation of the arms embargo

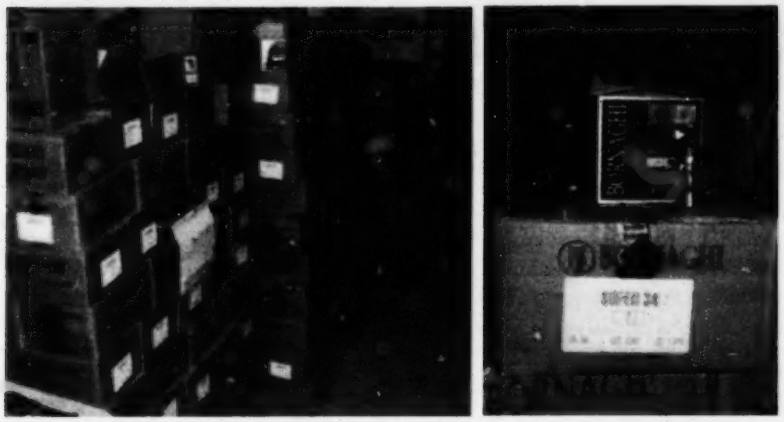
108. While a vast range of arms and ammunition is available at low price on the Libyan black market, some popular items available only in more limited supply, including some small arms such as handguns and ammunition, appear to be quite expensive. Illicit traders are likely to look to benefit from this financially.

109. The Panel is currently investigating a number of potential cases of violations by sea and air relating to transfers of materiel to Libya. As most of these investigations are continuing, the Panel is in a position to release its finding only about the one completed case: an attempted transfer prevented by the Maltese authorities.

110. On 14 August 2012, on the basis of intelligence received, the Maltese authorities inspected a container in Malta registered as containing energy drinks and

toiletries destined for Libya, but which turned out also to contain shotgun shells (see figure IV).

Figure IV
Shotgun shells seized by Malta



Source: Panel of Experts, Malta, September 2012.

111. The Panel received full cooperation from the Maltese authorities and in September 2012 was granted access to the seizure, which included 450 boxes containing a total of 112,500 12-gauge shotgun shells made by Bornaghi, an Italian company. Italy traced the materiel and confirmed that it was part of a legal export made in April 2012 to a Maltese national, Michael Azzopardi, the owner of the Tal Magru Gunshop, located in Rabat, Malta.[9] On 8 August 2012, the shop sold the cartridges to Khalil Sadegh Harrus, a Libyan national who lives in Tripoli, Libya, and who had previously shipped various types of goods from Malta to Libya. Each shell cost Mr. Harrus €0.35 and, according to the investigation, he was expecting to sell them on for 1 dinar each in Libya (approximately €0.60). Following the examination of the materiel, the Panel submitted an inspection report to the Committee. The buyer was charged with trafficking by the Maltese authorities. Prosecutions of the other actors involved are continuing.

D. Transfers of materiel leaving Libya

112. Since the submission of the Panel's previous report, in February 2012, the proliferation of weapons from Libya has continued at a worrying rate and has spread into new territory: West Africa, the Levant and, potentially, even the Horn of Africa.

113. Since the uprising and the resulting collapse of the security apparatus, including the loss of national control over weapons stockpiles and the absence of any border controls, Libya has over the past two years become a significant and attractive source of weaponry in the region. Illicit flows from the country are fuelling existing conflicts in Africa and the Levant and enriching the arsenals of a range of non-State actors, including terrorist groups.

[9] See www.magrugunshop.com/Default.aspx.

114. Cases, both proven and under investigation, of illicit transfers from Libya in violation of the embargo cover more than 12 countries and include heavy and light weapons, including man-portable air defence systems, small arms and related ammunition and explosives and mines. While violations of the arms embargo appear to have happened all along the Libyan land borders, the Panel has also gathered clear evidence of transfers being made by sea. These cases, some of which remain under investigation, have resulted in a much wider spread of Libyan military materiel over the past 12 months compared with the Panel's first reporting period.

115. The lack of political and security stability, the continuing absence of control over stockpiles by the national authorities and delays in disarmament and weapons collections encourage illicit trading and have generated considerable money-making opportunities for traffickers. While small quantities of weapons or ammunition may be sold by individuals, larger transfers require the involvement of the armed groups that control the stockpiles and, on occasion, the consent of informal authorities.

116. While the evidence contained herein indicates that illicit trafficking from Libya is continuous, fully understanding the evolution of the levels of flows out of the country and quantifying this activity are extremely difficult. The main source of evidence is the data communicated by States regarding seizures that they have made, or serious detailed intelligence regarding un-intercepted transfers. Information gathered by the Panel primarily reflects what is known by national security sources from affected countries and what they are willing to share with the Panel.

117. First, while some illicit transfers are intercepted, it is clear that some go undetected. Second, while the Panel has generally received a satisfactory level of cooperation from most States involved, some authorities have been less inclined to share information. In addition, while some States have agreed to release some data, they sometimes fail to provide any additional information regarding the confiscations, including information about the identities of arrested traffickers or local facilitators. Sharing this information is, however, critical to enabling the Panel to understand cross-border dynamics and networks. Lastly, some authorities appear to be reluctant to share information regarding some types of materiel, in particular man-portable air defence systems.

1. Transfers across the western borders of Libya

118. The western borders of Libya, from Tunisia in the north to the Niger in the south, were the focus points for illicit trafficking from Libya quite early on in the uprising, with Algeria reporting its first seizure of weapons coming from Libya in April 2011. The south-western borders of Libya were also particularly affected by the surge of Tuareg combatants fleeing Libya to Mali when the regime began to fall (see S/2011/163). While this period saw a particularly high flow of weapons out of the country, weapons have continued to be transferred out of Libya. Notably, the remote areas where Libya, the Niger and Algeria converge remain of significant concern.

119. Regarding western borders, the Panel has secured evidence of transfers only by land. While there is some low-level trafficking along the northern urban coastline bordering Tunisia, the main concern remains with the more remote western borders, which generally lack any kind of border control or institutional presence on the Libyan side and have generally weak control measures on the side of its neighbours.

Movements of weapons by traffickers in the south of Libya include the use of caches to store materiel for future trade.

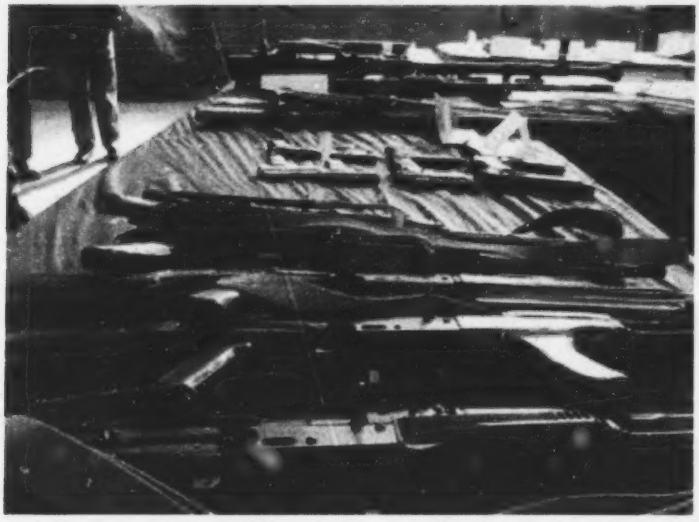
120. While southern Tunisia, southern Algeria and northern Niger serve as corridors for the transportation of Libyan military materiel to destinations further afield such as Mali, some materiel remains in-country for use by local groups or to be stored in desert areas for future use and trade. These zones also serve as bases and transit points for non-State armed groups, including terrorist groups and criminal and drug-trafficking networks with links to the wider Sahel region.

Tunisia

121. The Tunisian authorities have deployed additional resources to control the border with Libya and have seized weapons and ammunition coming from Libya on several occasions. Since its establishment in 2011, the Panel has twice visited Tunisia and received very good cooperation from the authorities.

122. *Materiel*. The Panel was granted access to some of the materiel seized by the Tunisian authorities and identified numerous items as being similar to those viewed in Libya, including rifles and ammunition (see figure V and annex X to the present report). Since much of the materiel is old and is common throughout the region, the Panel has focused on tracing items that are relatively new and specific to Libyan arsenals. This includes an AK 103-2 assault rifle, which the Panel has requested the Russian Federation to trace; the response is pending. The Panel also examined rounds of ammunition, most of which correspond to ammunition documented by the Panel in Libya (same manufacturer and years of production).

Figure V
Weapons inspected by the Panel in Tunisia



Source: Panel of Experts, Tunis, January 2013.

123. In the northern border areas, two main checkpoints regulate the flow of people and goods into and out of the country. The Customs authorities there have regularly confiscated weapons and ammunition from individuals using them for self-protection or from small "ant traders" (persons engaged in multiple shipments of small quantities of arms) attempting to smuggle modest quantities across the border. Operating border crossing points, in particular the main crossing point, Ra's Ajdir, has proved to be extremely complicated, however, given that the Libyan officials remain members of brigades and their limited experience of border control and management skills make collaboration difficult. For that reason, over the past year, the Tunisian authorities have been forced regularly to close the checkpoints owing to security concerns.

124. Trafficking dynamics differ in the south of the country. According to several regional and international security agencies, the south of Tunisia has seen larger convoys of traffickers, including those organized by groups affiliated to Al-Qaida in the Islamic Maghreb, attempting (and sometimes succeeding) to cross to Algeria and possibly onward to Mali. The Tunisian army has intercepted and destroyed several armed convoys since 2011, including one in June 2012 near Burj al-Khadra, to the south, which was transporting materiel including a SA-7b man-portable air defence system. The surveillance notwithstanding, trafficking continues. The President of Tunisia explained in a television interview in January 2013 that Tunisia was turning into a corridor for armaments between Libya and areas such as Mali.[10]

125. Tunisia also faces considerable internal security challenges. Some materiel brought in from Libya remains there, further fuelling those problems. The authorities have discovered several caches over the past year, including along the border with Algeria, possibly for onward transfer to Algeria. Only very recently, the media reported a large seizure made by the authorities in the southern city of Médenine.[11] The Panel will contact the authorities to discuss this matter further.

Algeria

126. Illicit trafficking from Libya into Algeria was reported by the Algerian authorities very early on in the Libyan uprising. Since then, the Algerian authorities have made several seizures in the centre of the country, but primarily in the south-east in the provinces of Dillizi and Tamanrasset. Since 2012, the authorities have reinforced their security surveillance of the Libyan and Malian border areas and have noted a decrease in arms trafficking activity.

127. *Routes*. Information from the Algerian authorities and other security sources suggests that the main entry points for illicit trade, including Libyan weapons, have been around Ghat/Djanet (Anai Pass), Ghadames and through Tunisia. Some materiel appears to have remained in Algerian territory, while other materiel continues to be transferred further afield, including into Mali.

[10] France 24, interview with Moncef Marzouki, 14 January 2013. Available from www.france24.com/en/20130113-interview-moncef-marzouki-tunisian-revolution-ennahda-human-rights-mali-francois-hollande.

[11] "Tunisie: Médenine — deux dépôts d'armes démantelés", *La Presse* (Tunis), 18 January 2013. Available from http://fr.allafrica.com/stories/201301180976.html.

Materiel

128. Following several requests, the Panel was invited to visit Algeria in August 2012, when it was presented with detailed evidence relating to eight cases of weapons being brought from Libya into Algerian territory between April 2011 and March 2012. Since its visit, the Panel has received information regarding additional seizures but has been unable to corroborate the information with the Algerian authorities. The Panel is awaiting a response to letters sent in this regard in November 2012 and January 2013. Table 1 provides a list of military materiel originating from Libya seized by the Algerian authorities between April 2011 and March 2012.

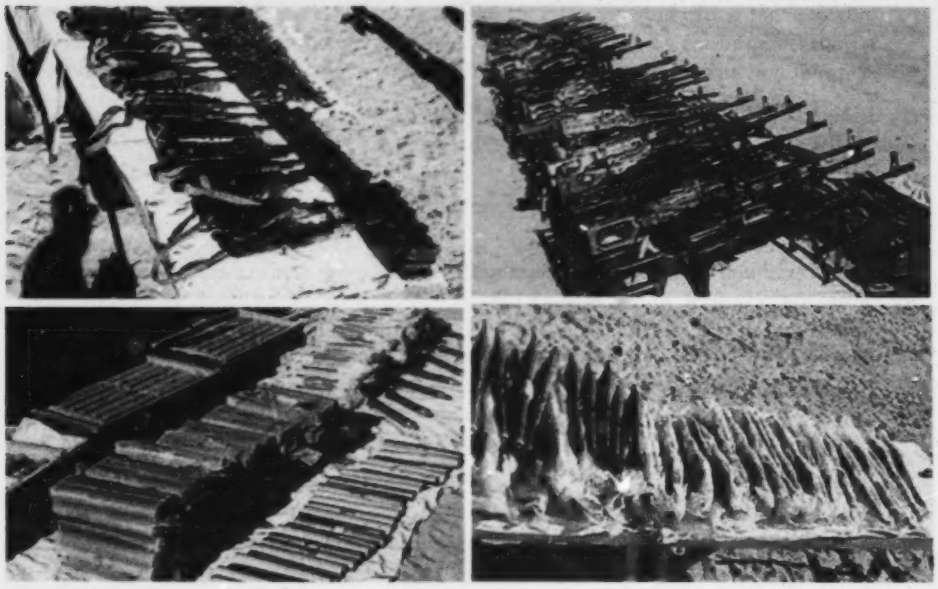
Table 1
Military materiel originating from Libya seized by the Algerian authorities between April 2011 and March 2012

Materiel	*Quantity*
Handguns	7
Sniper rifles	5
FAL assault rifles	5
AK-type assault rifles	103
Rocket-propelled grenades	3
General purpose machine guns	59
14.5-mm heavy machine guns	4
Ammunition for rifles and machine guns	Not specified
PG-7 rockets	489
SNORA rockets	21
Explosives	Not specified
Communication equipments	Not specified
Accessories for weapons	Not specified
Cars	Not specified

Source: Algerian authorities.

129. During the mission, it was agreed to organize a follow-up visit to examine the seized materiel. The Panel is awaiting a specific response in that regard, however. While the Panel was provided with photographs (see figure VI) and a list of serial numbers for weapons, the list does not contain sufficiently comprehensive data elements to fully trace the materiel, given that either the weapons identification is not sufficiently precise or the serial numbers are incorrectly recorded. No precise information was given on confiscated small arms and machine gun ammunition, which would be useful for identifying the origin of shipments. The Panel hopes to be able to examine the materiel in the near future.

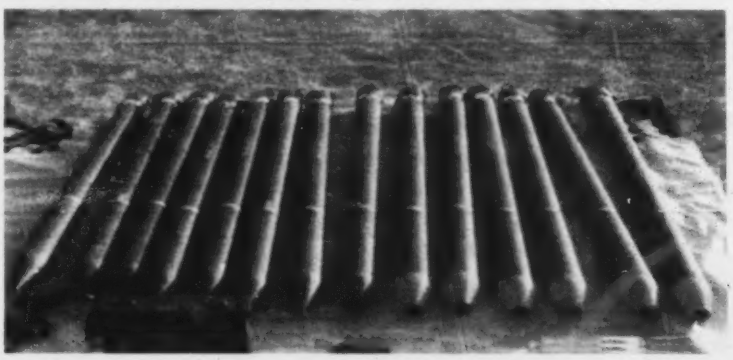
Figure VI
Example of seizure made near Djanet, 3 January 2012



Source: Algerian authorities, January 2012.

130. The Panel was able only to initiate a tracing request for the SNORA aviation rockets (RAK 022, 024 and 026) produced in the 1970s (see figure VII). The Panel contacted Switzerland and was informed that SNORA rockets had been produced by a Swiss company, Oerlikon-Bühler AG, in the 1970s in collaboration with an Italian manufacturer, SNIA Viscosa SPA, but the rockets in question had been produced in Italy and exported from there. The Panel sent a tracing request to Italy. The authorities responded that, because the export had taken place in the 1970s or early 1980s, it was difficult to locate the precise documentation. Italy is still conducting the necessary research and will provide the Panel with the information as soon as it is available.

Figure VII
SNORA rockets seized by the Algerian authorities



Source: Algerian authorities, In Amenas, 22 February 2012.

Traffickers and modus operandi

131. According to the Algerian authorities, some of their small-scale seizures indicate that trafficking by petty criminals is taking place from Libya, while other military operations against convoys and caches indicate that organized terrorist and criminal networks are engaged in trafficking (see annex XI to the present report).

132. According to the Algerian authorities, seizures of small arms, including handguns, Kalashnikov-type rifles and explosives, were made in Ghardaia in July 2011 from terrorist elements linked to Mokhtar Belmokhtar, whose group launched the attack against the Tiguentourine gas plant in In Amenas that led to the hostage crisis in January 2013.

133. The Panel reported on Belmokhtar in its previous report in relation to his claim of having acquired weapons from Libya at the end of 2011 (S/2012/163, para. 144). According to regional and international security sources, Belmokhtar spent some time in Libya in 2011. The Panel is currently unable to comment on media reports that militants involved in the In Amenas attack and their weapons had come from Libya. As mentioned above, evidence shows that traffickers coming out of Libya have used the border near In Amenas to smuggle materiel into Algeria in the past (see annex XI to the present report).

134. Lastly, from what the Panel has been able to establish through examination of media sources,[12] some of the weapons and ammunition used by the terrorists during the hostage crisis bear strong similarities to materiel present in Libya. The Panel is waiting to examine the materiel to formulate more specific conclusions, however. The Panel has contacted the Algerian authorities about this matter and hopes to obtain a response soon.

Niger

135. Since its establishment, the Panel has visited the Niger twice and received full cooperation from the security authorities, who shared data with the Panel.

136. The Niger in particular was exposed to illicit trafficking of arms and explosives from Libya in 2011. The Panel documented several detailed cases of breaches of the embargo involving weapons intercepted by the authorities of the Niger in 2011 (see S/2012/163).

137. The Niger suffers from the various collateral effects of conflict and terrorist activities in neighbouring countries, including Mali and Nigeria, in particular in terms of weapons and money trafficking and the passage of terrorist elements through its territory or conducting attacks on its soil. The Panel is also currently investigating allegations of transfers of arms from Libya to Nigeria through the Niger (see para. 153).

138. In 2012, the authorities of the Niger made fewer seizures. They believe that trafficking is occurring on a smaller scale than in 2011. According to the office of the Chief of Staff of the army, in the nine months preceding the last visit of the Panel at the end of September 2012, more than 180 weapons and an unspecified amount of ammunition were seized by the army, mainly in the northern part of the country and originating primarily from Libya. It has not yet been possible for the

[12] See, for example, www.youtube.com/watch?v=38ZlnI19vlY.

Panel to inspect the materiel, which is kept in the north of the country owing to security and logistical challenges.

139. Since the Panel's visit, the authorities have confiscated additional materiel from Libya allegedly on its way to Mali. The Panel is continuing its enquiries and it is therefore currently unable to release further information.

140. Lastly, the Panel has also obtained information regarding the collection of weapons organized by the national commission for the collection and control of illicit weapons in 2011 and the first quarter of 2012. Pictures shared with the Panel of arms surrendered voluntarily by civilians in various parts of the Niger showed certain materiel that almost certainly originated in Libya, including specific types of assault rifles and anti-vehicle landmines. As confirmed by the commission's own experts, however, this materiel may have entered the country via materiel support sent by Qadhafi to groups in the Niger in the past.

141. This case exemplifies the difficulty faced by the Panel on several occasions in the course of its investigations, in particular in countries in Africa: while some materiel is quite clearly from Libyan stocks, it is impossible for the Panel to confirm whether it reached the country in breach of the arms embargo unless the Panel receives precise information about the chain of transfers, which is generally not gathered during, for example, civilian disarmament.

Mali

142. Although the Panel visited Mali during its first mandate, it was unable to visit the country during its second mandate, several requests made to the Malian authorities in 2012 and a letter sent by the Committee in November 2012 in support of the Panel's request notwithstanding. The Permanent Mission of Mali to the United Nations explained to the Committee that the letter had been transferred to the relevant authorities, but the Panel has received no further response to date.

143. The Panel reported in 2012 on the significant flows of fighters and weapons to Mali during the Libyan uprising, in particular towards the end of the Qadhafi regime, and their impact on the crisis in Mali (see S/2012/163). Since then, and primarily because of the extreme deterioration of the security situation in northern Mali and the lack of information coming from the area, it has been difficult for the Panel to precisely assess the evolution of trafficking dynamics between Libya and Mali.

144. During the Libyan uprising, a number of convoys of combatants and weapons were moving from Libya to Mali through southern Algeria and northern Niger, sometimes alternating between the two. Seizures made in areas situated between Libya and Mali indicate that some flows have continued to pass through those regions during the current mandate. In the past 12 months, the Niger and Algeria have continued to intercept transfers allegedly on their way to Mali (see paras. 139 and 126, respectively).

145. Information gathered from regional and international security agencies, in addition to Malian representatives of non-State armed groups, indicates that armed groups in the north have continued to develop their arsenals over the past 12 months in various ways, including through the seizure of Malian national stocks, the purchase of materiel abroad or illicit transfers from neighbouring countries. While all sources indicate that Libya continues to be a significant source of weapons and

ammunition, it appears that groups are also sourcing materiel from other countries, including some in North and West Africa.

146. Videos placed on the Internet by armed groups, and media images of weaponry used by such groups (in particular since the armed intervention began in 2013), show similarities with weaponry documented by the Panel in Libya. Without very detailed pictures or physical inspection of the weapons, however, it has not been possible to confirm this.

147. The Panel again recently submitted a request to Mali for access to the materiel seized during the current military operation. The Panel contacted the Malian and French authorities to stress the significance of the seizures in terms of informing the process of identifying and mapping the arms procurement dynamics of armed groups.

2. Transfers towards the south of Libya

148. During the current mandate, the Panel initiated new investigations regarding allegations of illicit transfers from Libya to countries in Africa and hopes to be able to develop those cases further in the future.

Chad

149. In 2011, the Panel received information regarding arms and ammunition that might have arrived in Chad in violation of the Libyan embargo. The Panel therefore requested to visit Chad, but had to wait more than a year before being granted access.

150. According to the Chadian authorities and international security sources on the ground, weapons and ammunition were seized particularly, but not only, after the fall of the Qadhafi regime and included small arms and light weapons and related ammunition, including anti-tank weapons and mines. The Panel's request for access to or a list of the materiel did not receive a positive response.

151. The Panel received information from confidential sources that around 30 man-portable air defence systems from Libya were bought back in various batches in the north from Tebu traffickers around June 2012. The existence of those systems was acknowledged by a representative of the Ministry of Defence of Chad, but no additional details were provided.

152. Some of those systems were transported to N'Djamena, where they were shown to security representatives. The Panel is continuing to seek additional information regarding the chain of transfer of this materiel and has requested the Chadian authorities to provide further information regarding the materiel and to grant access to the Panel. The Panel is still awaiting a response, however.

Nigeria

153. Some materiel may also have been transported from Libya through the Niger on to Nigeria, which the Panel visited in July 2012. The Nigerian authorities told the Panel that they had no evidence of Libyan materiel entering Nigeria or falling into the hands of Boko Haram.

154. The Panel contacted the authorities again in November 2012 and requested information regarding a media report in which it was claimed that the Lagos state police had seized arms and ammunition from criminals who had declared during interrogation that the materiel had been purchased in the Niger but originally transferred from Libya. The Panel also requested to examine the confiscated materiel but, follow-up notwithstanding, Nigeria has not yet replied to the Panel's request.

Somalia

155. The Panel received evidence relating to the presence in Somalia of various types of ammunition that originated from Libya. In collaboration with the Monitoring Group on Somalia and Eritrea, the Panel is currently seeking to understand the chain of custody of the transfer or transfers and is unable to release additional information at this stage.

3. Transfers towards the east of Libya

156. New trends of illicit arms trafficking have asserted themselves during the past mandate particularly towards the Levant, including transfers by both land and sea.

157. Egypt is facing an increasing challenge in terms of proliferation from Libya and, while the flows of military materiel in the country present a threat to its internal security, in particular given materiel acquisition by armed groups in the Sinai area, the country also appears to serve as a corridor for further onward proliferation in the region, including into the Gaza Strip.

158. The Syrian Arab Republic has presented a prominent destination for some Libyan fighters and Libyan military materiel. Transfers have been organized under the supervision, or with the consent, of a range of actors in Libya and the Syrian Arab Republic and in countries neighbouring the Syrian Arab Republic.

Egypt

159. During its first visit to Egypt, in 2011, the Panel was informed about the dynamics of an ant trade coming out of Libya. In January 2012, the Egyptian authorities provided the Panel with data regarding the number of weapons and the amount of ammunition originating from Libya that they had confiscated since the imposition of the embargo (see S/2012/163, para. 117).

160. Since the beginning of 2012, flows of Libyan weapons into Egypt appear to have increased significantly. Since January 2012, several significant cases of seizures have been reported in the media.[13] In May 2012, the Panel sent a letter to the Egyptian authorities to obtain further information. The number of seizures has increased and weapons originating from Libya have been seized in all parts of the country.

[13] See, for example, Reuters, "Egypt seizes anti-tank, anti-aircraft rockets in Sinai", 4 January 2013. Available from www.reuters.com/article/2013/01/04/us-egypt-sinai-weapons-idUSBRE9030HU20130104.

161. The Panel visited Cairo again on 16 January 2013, where it met the representatives of the Ministry of Foreign Affairs, the Ministry of the Interior and the Ministry of Defence. During the visit, the Egyptian authorities displayed very good cooperation with the Panel, the necessary judicial confidentiality requirements notwithstanding. A comprehensive list of seized weapons and ammunition from Libya was shared with the Panel, which gave a good indication of the size and type of the ammunition and arms seized. Since the imposition of the arms embargo, the Egyptian authorities have seized hundreds of small, light and heavy weapons systems, hundreds of rounds of ammunition for heavy weapons systems and hundreds of thousands of rounds of ammunition for small arms and machine guns (upon request of the Egyptian authorities, the detailed list will not be published).

162. The Egyptian authorities also showed pictures of the arms and ammunition seized, which the Panel knows to be widely available in Libya. They are unable to disclose further information about the seizures and the individuals involved until the judiciary has concluded its investigations.

163. Trafficking patterns from Libya to Egypt include transfers by land along the northern coastal area but also across the countries' southern borders. Trafficking is also operated by boat, primarily from Benghazi and Tobruk in Libya on to Marsa Matruh in Egypt, from where military materiel is transported by road to various parts of the country, including to the Sinai area.

164. Traffickers have been identified by regional security sources as including Libyan, Egyptian and, possibly, Palestinian nationals. The Panel was informed by representatives of the security forces in Benghazi that in 2012 several Egyptians had been arrested while attempting to smuggle arms.

165. While trafficking from Libya to Egypt represents a challenge primarily for Egypt's internal security, in particular in relation to armed groups in the Sinai, some of the materiel appears to have crossed Egypt to further destinations, including the Gaza Strip.

Gaza Strip

166. Libyan stocks present an opportunity for armed groups in the Gaza Strip to diversify their source of arms supplies. According to international and regional security sources, trafficking through Egypt has allowed such groups to purchase new materiel, including items to which they did not previously have access, such as more modern assault rifles and new anti-tank weapons systems. While the Panel is investigating this issue, the impossibility to conduct research on the ground is an obstacle.

167. In October 2012, the Al-Quds Brigades organized a military parade in Gaza in which they displayed some of their military materiel, including recent acquisitions,[14] of which two assault rifles — a Belgian-made F2000 and a Russian-made AK 103 — drew the attention of the Panel. Those rifles are quite specific to Libyan arsenals and to see the two models together is even more unusual.[15] The

[14] See http://saraya.ps/index.php?act=Show&id=24082.

[15] AK 103-2 assault rifles are available in large numbers in Libya. While the rifle spotted in the hands of the Al-Quds Brigades is clearly identified as an AK-103, the Panel cannot confirm that it is an AK 103-2. Regarding the F2000 assault rifle, it should be noted that only a few hundred of this model were delivered to Libya.

Panel requested Belgium and the Russian Federation to support the investigation by giving an opinion on the country from which the rifles are likely to have been re-exported and to provide the Panel with a list of the countries to which similar rifles have been transferred. Both countries responded that the information available was insufficient to reach any satisfactory conclusions.[16]

Transfers towards the Syrian Arab Republic

168. The Syrian Arab Republic has presented a prominent destination for Libyan fighters. A number of them have joined brigades as individuals or through networks to support the Syrian opposition. While it is not the mandate of the Panel to analyse the movements of combatants outside Libya, military materiel has also been sent out from Libya to the Syrian Arab Republic through networks and routes passing through either Turkey or northern Lebanon.

169. Since the Panel was unable to visit the Syrian Arab Republic, much of the analysis in the present section is based on information shared by international security agencies, including those of Member States from the region, and other international sources on the ground, in addition to Libyan fighters in the Syrian Arab Republic. The Panel also completed an analysis of arms shipments seized on their way to the Syrian Arab Republic.

170. Transfers of military materiel have been organized from various locations in Libya, including Misrata and Benghazi. The significant size of some shipments and the logistics involved suggest that representatives of the Libyan local authorities might have at least been aware of the transfers, if not actually directly involved.

Materiel confiscated in Lebanon: the case of the *Letfallah II*

171. On 27 April 2012, the Lebanese authorities seized a shipment of arms and ammunition on board the *Letfallah II* (see figure VIII), which had been hailed by the Lebanese navy around Tripoli, Lebanon. According to media reports,[17] the materiel originated from Libya and was in three containers. The reports further claimed that the materiel was destined for the opposition forces in the Syrian Arab Republic.

[16] In its response to the Panel, Belgium also mentioned that there were apparently airsoft guns on the market that were visually identical to an F2000 assault rifle.

[17] "Syria arms ship impounded, crew held for questioning", *Daily Star*, 28 April 2012. Available from www.dailystar.com.lb/News/Local-News/2012/Apr-28/171738-ship-suspected-of-carrying-syria-arms-impounded.ashx#axzz20lodtWol.

Figure VIII
Letfallah II

Source: Panel of Experts, 2012.

172. According to the ship's certificate of registry issued by the Sierra Leone International Ship Registry (see annex XII to the present report), valid until 19 July 2012, the ship is registered in Freetown and is owned by Khafaji Shipping Co. SA. According to its website,[18] this company is based in Tartus, Syrian Arab Republic. The owner of the company is a Syrian citizen named Mohamad Khafaji.

173. The Panel contacted Mr. Khafaji to discuss the issue and to better understand the details of the transfer. Mr. Khafaji explained that he had been contacted by a Libya-based shipping agent, who had put him in touch with a Lebanese national who wanted to ship 12 containers from Misrata to Tripoli, Lebanon. The ship arrived in Khoms, Libya, from Greece on 28 March 2012 and docked in Misrata on 4 April. It remained in the port for several days as it was waiting to be provided with the cargo. Ultimately, only three containers were provided. The containers were sealed in Misrata and were still sealed when they were seized by the Lebanese authorities. The owner of the ship said that the staff of the company had never had the opportunity to see the content of the containers and did not actually know the real nature of the cargo. After Misrata, the ship headed to Gulluk, Turkey, then to Alexandria, Egypt, and lastly to Tripoli, Lebanon.

174. Maritime traffic information made available to the Panel (Lloyd's List Intelligence vessel report of 30 May 2012) confirms the above information. The ship left Misrata, Libya, on a date prior to 11 a.m. on 14 April 2012. It later stopped in Gulluk, Turkey, from 14 to 16 April and Alexandria, Egypt, from 21 to 24 April, before being apprehended on 27 April by the Lebanese authorities at the port of Tripoli, Lebanon.

175. The Panel requested the Turkish and Egyptian authorities to confirm that the *Letfallah II* had docked in their ports in April 2012, to share information about the

[18] See http://khafaji-maritime.com/about-us.html.

cargo that was unloaded from and loaded on to the ship during those stopovers and to provide copies of relevant cargo documents. Egypt explained that the ship had arrived in Alexandria on 21 April from Gulluk, loaded with construction material. It had departed Alexandria on 24 April, heading to Tripoli, Lebanon. As far as the Egyptian authorities were aware, there were no weapons on board the ship. While the Turkey has not responded to the Panel, it sent a letter to the Secretary-General and the President of the Security Council on 11 May in which it denied that the ship had docked in any Turkish ports (A/66/803-S/2012/316).

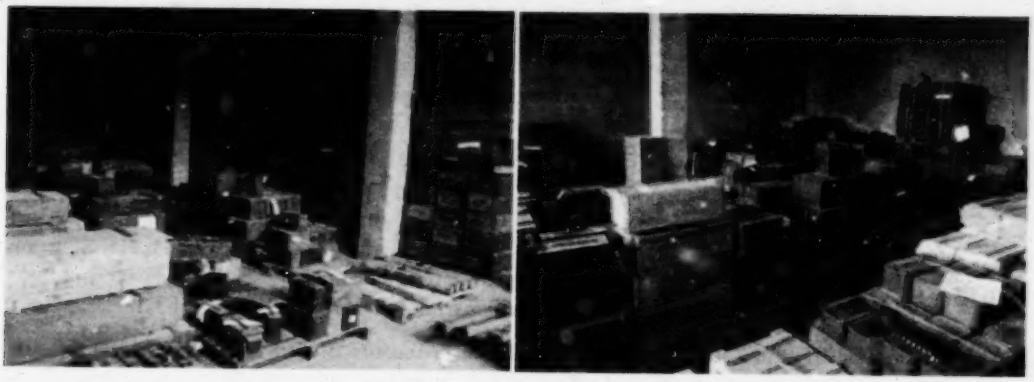
176. Following a response from the Permanent Mission of the Syrian Arab Republic dated 11 June 2012 to a letter from the Committee that included a range of information regarding the case, the Panel wrote to the Permanent Mission on 5 October 2012 to request further information and the contact details of individuals mentioned in the letter. No response has been received.

177. On 5 June 2012, the Permanent Mission of Libya sent a letter to the Committee in which it stated that Libya had no information on the *Letfallah II* shipment.

178. The Panel wrote to the Permanent Mission of Lebanon to request further details about the seizure and photographs of the materiel seized. During its visit to Lebanon in July 2012, the Panel met representatives of the Ministry of Defence and the Ministry of Foreign Affairs to discuss the issue. By letter dated 17 July 2012, the Permanent Mission of Lebanon provided the Panel with a list of the materiel confiscated from the *Letfallah II*. The Government of Lebanon kindly agreed to the request of the Panel to inspect the materiel. The Panel travelled to Lebanon to inspect the materiel on 28 and 29 December 2012 in two locations in Lebanon (see figure IX). Following its inspection, the Panel can confirm that the shipment consisted of Libyan arms and ammunition that were transferred to the *Letfallah II* in breach of the arms embargo. The arms and ammunition inspected are consistent with the arms and ammunition found in Libya. After its inspection, the Panel sent a letter to Lebanon on 3 January 2013 to further enquire about the investigation, to which no response has yet been received. Among the arms inspected by the Panel, advanced weapons systems and components were found, including SA-24 short range surface-to-air missiles and SA-7b man-portable air defence systems, anti-tank guided missiles (Metis-M, Konkurs-M and MILAN) and various types of small, light and heavy weapons and ammunition (see annexes XIII and XIV to the present report).

179. To identify the chain of transfers of the various types of items found on board the *Letfallah II*, the Panel sent several tracing requests. The Panel contacted the Russian Federation and requested the authorities to confirm the original end user of two SA-24 short range surface-to-air missiles and several recently produced anti-tank missiles. The Panel is awaiting a response. The Panel contacted France regarding a number of SNEB rockets found on board the ship. France responded that the rockets had been exported to Libya in 1977. The Panel also requested the French authorities to provide information relating to two MILAN anti-tank guided missiles and to confirm to which country the items had originally been transferred. France responded in February 2013 that the anti-tank missiles had been produced in France and exported to various countries, but not to Libya. France did not disclose to which country the missiles had been originally exported. The Panel will investigate further.

Figure IX
General view of the ammunition seized on board the *Letfallah II*



Source: Panel of Experts, 2013.

180. While most of the materiel is in good condition, the inspection showed that some arms and ammunition shipped were damaged or missing components, which would render them inoperative as complete systems usable by armed groups in the Syrian Arab Republic (e.g. SA-7b man-portable air defence systems without batteries, open boxes, broken weapons, ammunition without compatible arms). The Panel concludes that this materiel was not prepared and shipped by experienced or qualified personnel, or that it was done in haste.

181. During the inspection of the materiel, the Panel found the logo of a Libyan charity named "The Knight Suleiman Israh", based in Misrata, on several boxes of new communication materiel, including radios. While the materiel contained in the cargo bears strong similarities to materiel belonging to brigades in Misrata, it is not impossible that the arms and ammunition had been collected from several locations in Libya.

182. The Panel is continuing to investigate the context in which this shipment was prepared and the individuals and groups involved in this case.

Case of *Al Entisar*

183. In September 2012, it was reported in the *Times* that a Libyan ship carrying the largest consignment of weapons for the Syrian Arab Republic since the uprising had docked in Turkey and that some of the 400 tons of materiel had been transferred to the Syrian opposition.[19]

184. According to information provided by the Turkish authorities, the ship, *Al Entisar*, is a fishing boat registered in Libya (International Maritime Organization No. 8904044), which sailed from Benghazi to Iskenderun, Turkey, where it docked on 25 August 2012. It returned to Benghazi on 3 September.

185. The Panel contacted the Turkish authorities to ask about the ship and its cargo and was informed that, since the boat was carrying humanitarian cargo, in the

[19] Sheera Frenkel, "Syrian rebels squabble over weapons as biggest shipload arrives from Libya", *Times*, 14 September 2012.

absence of any reasonable ground to suspect otherwise, no inspection was conducted by the port authorities.

186. The authorities provided the Panel with the cargo manifest, which included food, clothes and medical supplies. The loading port was Benghazi, the exporter the national committee for the support and relief of displaced people, a relief organization based in Benghazi, and the consignee the IHH Humanitarian Relief Foundation, an Islamic relief organization based in Turkey.

187. In February 2013, the Panel spoke to the head of the Benghazi-based relief organization, who organized the shipment. He confirmed that the cargo had been loaded on to *Al Entisar* and had consisted of humanitarian goods, denying that any weapons had been on board.

188. The Panel spoke to a range of sources regarding the issue, including Libyan fighters in the Syrian Arab Republic and international security sources, and is continuing its investigation to secure additional concrete evidence.

Assault rifles found in the Syrian Arab Republic potentially coming from Libya

189. Given that it has not been possible for the Panel to visit the Syrian Arab Republic, the Panel sought to gather as much information as possible on potential materiel coming from Libya from secondary and primary sources, including specialized media sources and journalists on the ground.

190. The Panel contacted several arms manufacturing countries to request their assistance in tracing materiel identified in the hands of the Syrian opposition that they may have produced.

191. The Panel contacted the Russian Federation with such a request regarding an AK 103 assault rifle that may have been transferred from Libya. In the absence of any serial numbers, however, no tangible conclusion could be reached.

192. The Panel also contacted the Belgian authorities to trace a number of FN FAL assault rifles photographed in the Syrian Arab Republic in 2012 in the hands of rebel fighters who claimed that the rifles had been sent from Libya. The results of the tracing indicate that none of the rifles were originally exported to the Syrian Arab Republic and that one was actually part of the same order as a rifle found in Libya and traced by the Panel.

III. Travel ban

193. By paragraph 15 of resolution 1970 (2011), the Security Council imposed a travel ban on individuals designated by the Council or the Committee, with exceptions pursuant to paragraph 16 of the same resolution. A number of Qadhafi family members and inner circle allies are subject to the travel ban. The updated list published by the Committee on 2 April 2012 contains the names of 20 individuals (5 subject solely to the travel ban and 15 to the travel ban plus the asset freeze).

194. Since the Panel's previous report, the request on 6 July 2012 by Saadi Qadhafi for a waiver of the travel ban so that he could relocate to South Africa was placed on hold within the Committee on 18 July. The request remains on hold.

195. On 23 November 2012, the Panel wrote to Algeria to enquire as to media reports indicating that all Qadhafi family members residing in Algeria at that time and subject to the travel ban had departed the country. A response from Algeria remains pending.

196. Abdullah Al-Senussi, the chief of the Libyan Intelligence Service under the Qadhafi Government, travelled from Morocco to Mauritania and was arrested in Nouakchott on 17 March 2012. Subsequently, he was transferred to Libya by the Mauritanian authorities on 5 September.

197. The travel to another country by any listed person would constitute a violation of the travel ban. The transfer of Abdullah Al-Senussi does not, however, constitute a violation, given that he is being returned to Libya as his country of nationality.

IV. Implementation of the asset freeze

A. General overview

198. Since the adoption of the initial resolutions concerning Libya in 2011, the economic situation has changed dramatically. Hydrocarbons long dominated the Libyan economy, and continue to do so, but the destruction of the infrastructure and production facilities during the conflict of 2011 continued to seriously affect the economy, even after the delisting of most of the national financial entities following the adoption of resolution 2009 (2011). According to research conducted by the World Bank and the International Monetary Fund in 2012, some improvements were expected in that year, but the weaknesses in implementation of accounting rules, in addition to the frequent change of key government personnel, have prevented effective development in this area.[20]

199. According to the Libyan authorities, there is no lack of liquidity or funds. The income from the part of the oil industry that is now functioning is more than adequate to provide sufficient resources to run the country. There is a broad view that the assets currently subject to the asset freeze measures abroad are not adversely affecting the national budget capabilities. The Libyan authorities report that, in 2012, they spent only a proportion of the available budget.[21] Indeed, those in the Government concerned with the recovery of assets rightfully belonging to the Libyan people view the continued application of the asset freeze as a useful means of ensuring that assets, once identified, can be safely held pending eventual repatriation to Libya.

200. Lack of skills, coupled with a lack of responsibility on the part of the workforce, born of the malaise of the previous Administration over a long period, continued to hinder an effective discharge of functions, especially within the public sector. In addition, excessive bureaucracy, coupled with high levels of corruption at all levels, makes effective working and communication extremely difficult. These

[20] International Monetary Fund, *Libya beyond the Revolution: Challenges and Opportunities* (Washington, D.C., 2012). Available from www.imf.org/external/pubs/ft/dp/2012/1201mcd.pdf.

[21] Michael Cousins, "2013 budget set at LD 66 BN", *Libya Herald*, 10 February 2013. Available from www.libyaherald.com/2013/02/10/2013-budget-set-at-ld-66-bn.

points have been raised by senior interlocutors within the public financial sector and have also been noted in the Libyan press.[22]

B. Monitoring the asset freeze

201. In paragraph 9 of resolution 2040 (2012), the Security Council directed the Committee to continuously review the remaining asset freeze measures imposed by resolutions 1970 (2011) and 1973 (2011), as modified by resolution 2009 (2011), with regard to the Libyan Investment Authority and the Libyan Africa Investment Portfolio, and decided to delist those entities as soon as practicable to ensure that their assets were made available to and for the benefit of the people of Libya.

202. Paragraphs 15 and 16 of resolution 2009 (2011) have been interpreted by the Committee to mean that the asset freeze measures do not apply to any subsidiaries of the listed entities. The measures now apply only to the listed individuals and to the assets of the aforementioned listed entities that were, or should have been, frozen outside Libya as from 16 September 2011. In this regard, an implementation assistance notice was issued on 7 March 2012.[23]

203. The focus of the Panel's efforts regarding the asset freeze has therefore been directed towards, on the one hand, the hidden assets of the Libyan Investment Authority, the Libyan Africa Investment Portfolio and the Libyan Arab Foreign Investment Company and, on the other, the assets of the listed individuals, much of which are believed to be abroad held in various names. With regard to the assets of the Libyan Investment Authority and the Libyan Africa Investment Portfolio, the Panel has been working closely with the Libyan authorities and civil society actors to attempt to assist in identifying the hidden assets rightfully belonging to the Libyan people.

204. The Panel is also mindful of the Council's intention, as expressed in paragraph 18 of resolution 1970 (2011), to ensure that assets frozen pursuant to paragraph 17 will at a later stage be made available to and for the benefit of the people of Libya. The Panel also continues to monitor the implementation of the asset freeze measures by Member States and therefore continues to seek the cooperation of Member States with its investigations.

205. It must be emphasized that, although subsidiaries are not covered by the sanctions regime, they should prevent any funds, financial assets or economic resources from being made available to or for the benefit of the listed individuals or entities.

206. In this context, in February 2013, the Government of Libya blocked the unfreezing of the assets of a subsidiary of the Libyan Investment Authority in Malta. The reasons for this are unknown at this stage, but it is purely a national decision of the Libyan authorities.

207. In 2012, the Government created an asset recovery committee (see para. 233) to coordinate the national effort to locate, identify and seek to recover Libyan assets illegally held by designated persons and other Libyan nationals abroad. The Panel

[22] "Libya's investment needs 2013", *Libya Herald*, November 2012. Available from www.libyaherald.com/wp-content/uploads/2012/11/Libya-Herald-supplement-Nov2012.pdf.

[23] Available from www.un.org/sc/committees/1970/notices.shtml.

has established excellent relations with the Asset Recovery Committee and looks forward to continuing the cooperation.

208. In addition to the Asset Recovery Committee, the Panel has maintained cooperation and discussions with a range of individuals and organizations throughout its current mandate. These include representatives of relevant Libyan ministries and chief executive officers of public authorities (the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Planning, the Office of the Deputy Prime Minister, the Libyan Investment Authority, the Libyan Africa Investment Portfolio and the Central Bank of Libya), civil society representatives and international organizations (the World Bank and the International Monetary Fund).

Exemptions to the asset freeze

209. The exemptions mechanism outlined in resolutions concerning Libya remains in place. Member States may submit requests or notifications to the Committee should they wish to use any of the exemptions listed therein. Table 2 contains a summary of exemptions on the subject of the asset freeze approved by or processed through the Committee up to 28 January 2013.

Table 2
Exemption notifications[a]

Reference	*Number of notifications received*	*Amount (United States dollars)*
Invoking paragraph 19 (a) of resolution 1970 (2011)	46	537 503 869
Invoking paragraph 19 (b) of resolution 1970 (2011)	50	15 416 031 755
Invoking paragraph 19 (c) of resolution 1970 (2011)	2	6 202 903
Invoking paragraph 21 of resolution 1970 (2011)	45	184 312 371
Invoking paragraph 16 of resolution 2009 (2011)	16	3 691 259 824
Total	**159**	**19 835 310 722**

[a] Unofficial figures.

210. The Panel continued to provide guidance to a number of Member States regarding the implementation of the asset freeze measures and, in particular, in relation to applications for exemptions, where appropriate. In that regard, the Panel prepared an extract of the relevant provisions of the various resolutions to assist Member States in the preparation of such applications (see annex XV to the present report).

211. The Panel has observed that some Member States have issued statements in which they have declared an intention to unfreeze assets of the remaining Libyan listed entities, namely the Libyan Investment Authority and the Libyan Africa Investment Portfolio.

212. In some cases, it has become apparent that such announcements in the media were made as a result of a misunderstanding by journalists of the term "unfreezing". In those cases, the reports refer to decisions of national courts to release specific

assets from seizure provisions in those States for reasons other than the asset freeze measures imposed by resolutions 1970 (2011) and 1973 (2011) and modified by resolution 2009 (2011). In accordance with the above-mentioned resolutions, if such assets were on a country's territory before 16 September 2011, they should also be subject to the asset freeze measures, meaning that the release from seizure in no way affects their frozen status.

213. It should be noted that both "seizure" and "freezing" can be applied to the same asset, whether at the same time or otherwise. It is suggested that Member States, when making statements to the media, make it clear whether they are releasing assets from seizure or unfreezing them from the asset freeze measures under the sanctions regime.

C. Listed entities

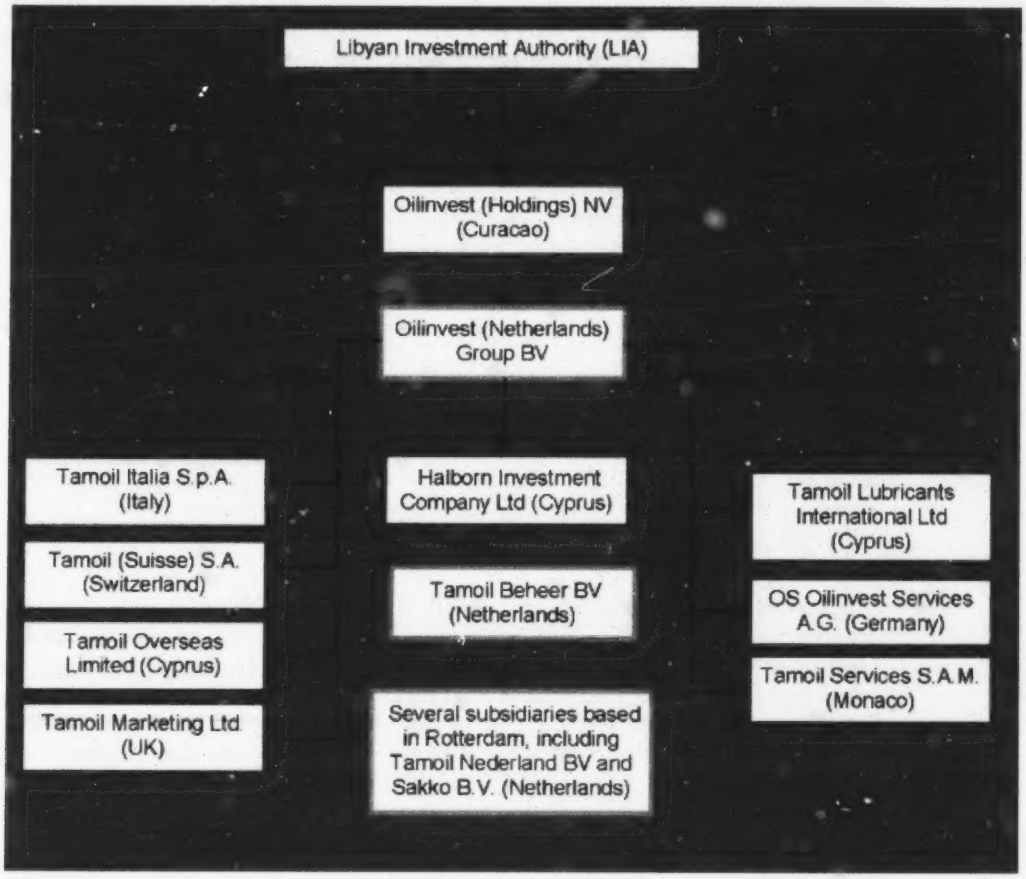
1. Libyan Investment Authority

214. The Libyan Investment Authority is the national sovereign wealth fund with a broad mandate to invest in foreign and domestic assets. It was set up in 2006 with some $40 billion in capital to manage the country's oil revenue and create other national income streams. It also functions as a stabilization fund and a domestic economic development fund. Figure X shows hydrocarbon industry subsidiaries of the Authority.

215. Assets of the various subsidiaries were transferred to the Authority's control. They include the Libyan Africa Investment Portfolio, the Oil Reserve Fund, the Long-term Investment Portfolio, the Economic and Social Development Fund, the Libya Finance Investment Company, the Libyan Arab Foreign Investment Company and the Oil Investment Company. It is strongly held within the current management of the Libyan Investment Authority that all three listed entities became a source of enrichment for associates of Qadhafi, causing mismanagement of investments and poor returns.

216. It is further held that the opaque nature of the ownership structure of the subsidiary hierarchy was also a deliberate move by the former regime to facilitate the laundering of funds embezzled from the State to personal assets abroad. The Panel continues to be vigilant in this area with a view to identifying any instances in which the assets of such companies have been, or are being, diverted for the benefit of designated individuals.

Figure X
Hydrocarbon industry subsidiaries of the Libyan Investment Authority


Libyan Investment Authority (LIA)
Oilinvest (Holdings) NV (Curacao)
Oilinvest (Netherlands) Group BV
Tamoil Italia S.p.A. (Italy)
Tamoil (Suisse) S.A. (Switzerland)
Tamoil Overseas Limited (Cyprus)
Tamoil Marketing Ltd (UK)
Halborn Investment Company Ltd (Cyprus)
Tamoil Beheer BV (Netherlands)
Several subsidiaries based in Rotterdam, including Tamoil Nederland BV and Sakko B.V. (Netherlands)
Tamoil Lubricants International Ltd (Cyprus)
OS Oilinvest Services A.G. (Germany)
Tamoil Services S.A.M. (Monaco)

Source: Jan Willem van Gelder and Petra Spaargaren, "Investments of Middle East and North African governments in the Netherlands", research paper prepared for RTL Nieuws, 9 March 2011. Available from http://media.rtl.nl/media/actueel/rtlnieuws/2011/rapportprofundo.pdf.

217. The Panel's relationship with the management of the Libyan Investment Authority is good and it appears that the governance issues are being addressed, in particular with regard to corruption. There remains a disconnect between the management and the relevant government departments, but it is expected that this will improve with the hoped-for increased governmental stability. The Panel also provided the Authority with the Committee's guidelines, specifically pointing out the relevant sections on the exemption request procedure.

218. The sovereign wealth fund of the Qadhafi regime was made up of cash and investments held in some of the world's most sophisticated financial institutions. Table 3 shows a summary of assets as at 2010. No further information on current values has been forthcoming from the Authority.

Table 3
Assets of the Libyan Investment Authority
(billions of United States dollars)

Net assets	
Cash and deposits (most of them held in the Central Bank of Libya)	22
Subsidiaries	16.8
Equity	6
Other assets	4.2
Alternatives	3.8
Bonds	3.2
Total	**56**

Source: "Libya's assets", *Washington Post*, 25 May 2011. Available from www.washingtonpost.com/world/libyas-assets/2011/05/25/AGCOyWBH_graphic.html.

2. Libyan Africa Investment Portfolio

219. The Libyan Africa Investment Portfolio is wholly owned by the Libyan Investment Authority. It was set up in February 2006 with a $5 billion capital investment fund created by the Government of Libya. It provides direct general investments in various sectors, mainly within Africa. In addition to the initial capital, the assets and liabilities of other companies have been transferred to the Portfolio (see figure XI).

220. In the course of its current mandate, the Panel has established a good relationship with the Chief Executive Officer of the Portfolio and has begun working with his team to assist the Portfolio to lawfully return frozen assets to, and for the benefit of, the people of Libya pursuant to paragraph 18 of resolution 1970 (2011). The Chief Executive Officer was appointed in September 2011 and is successfully managing 39 of 40 litigation cases. He is extremely confident about the future of the company, although the management is working to establish how many subsidiaries are owned by the Portfolio. He also expressed concern that profits from some of the subsidiaries might be made available to persons designated under the relevant resolutions.

Maintenance of ownership

221. The Panel's attention has been drawn to a situation where some Member States are apparently endeavouring to confiscate Libyan assets, or to sell them, without reference to the legal Libyan owners.

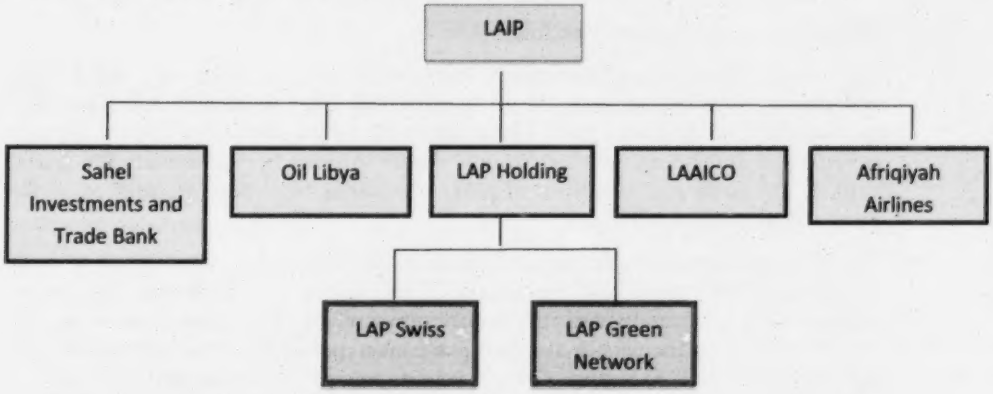
222. This appears to be the case in Zambia. In June 2010, a majority stake in the Zambia Telecommunications Company, or Zamtel, the leading telecommunications company in Zambia, was sold to LAP Green Network, a subsidiary of the Libyan Africa Investment Portfolio. In November 2011, the newly elected Government of Zambia launched an inquiry into the sale of Zamtel on the grounds that it was suspected that the company had been sold fraudulently by the previous Government. According to the Minister of Justice, Sebastian Zulu, the Government decided to

reverse the contract and take back the 75 per cent shares sold to LAP Green Network because of fraud and many other irregularities that accompanied the contract.[24]

223. The Panel wrote to the Government of Zambia to request more details, specifically referring to paragraph 18 of resolution 1970 (2011), and received a reply in September 2012. The Government stated that, in accordance with the Lands Acquisition Act, it had compulsorily acquired the 75 per cent of Zamtel shares held by LAP Green Networks because the Libyan entities had allegedly breached national law by corrupt connivance between the Libyan investor and some government officials. LAP Green Networks was entitled to receive compensation. Because the Government lost money as a result of the acquisition from LAP Green Networks, and the fact that, upon acquisition, LAP Green Networks decided to challenge the decision in the Zambian High Court, the decision has been postponed.

224. The Panel will further enquire into this issue.

Figure XI
Chart of the Libyan Africa Investment Portfolio



3. Libyan Arab Foreign Investment Company

225. The Libyan Arab Foreign Investment Company was originally listed as an alter ego of the Libyan Investment Authority. The Panel's enquiries have established that it is actually a subsidiary of, and predecessor to, the Authority. In addition, the Government of Lebanon, in a note verbale dated 15 June 2012 and received on 20 June, noted this situation and requested clarification, given that funds of the Company were frozen in a bank in Beirut. The Government wished to know whether the funds should remain frozen as assets of a listed entity or be released as assets of a subsidiary. The Panel wrote to the Committee on 22 June 2012 stating that it was satisfied that the Company was a separate entity, supported by the very existence of a bank account in the North Africa Commercial Bank in Beirut. Although a subsidiary, it is currently named in the list of designated entities and information, currently under investigation, has been received that strongly suggests that assets of the Company, which should be frozen, are currently being abused. The Panel considers that the Company should remain listed alongside the Authority. This letter

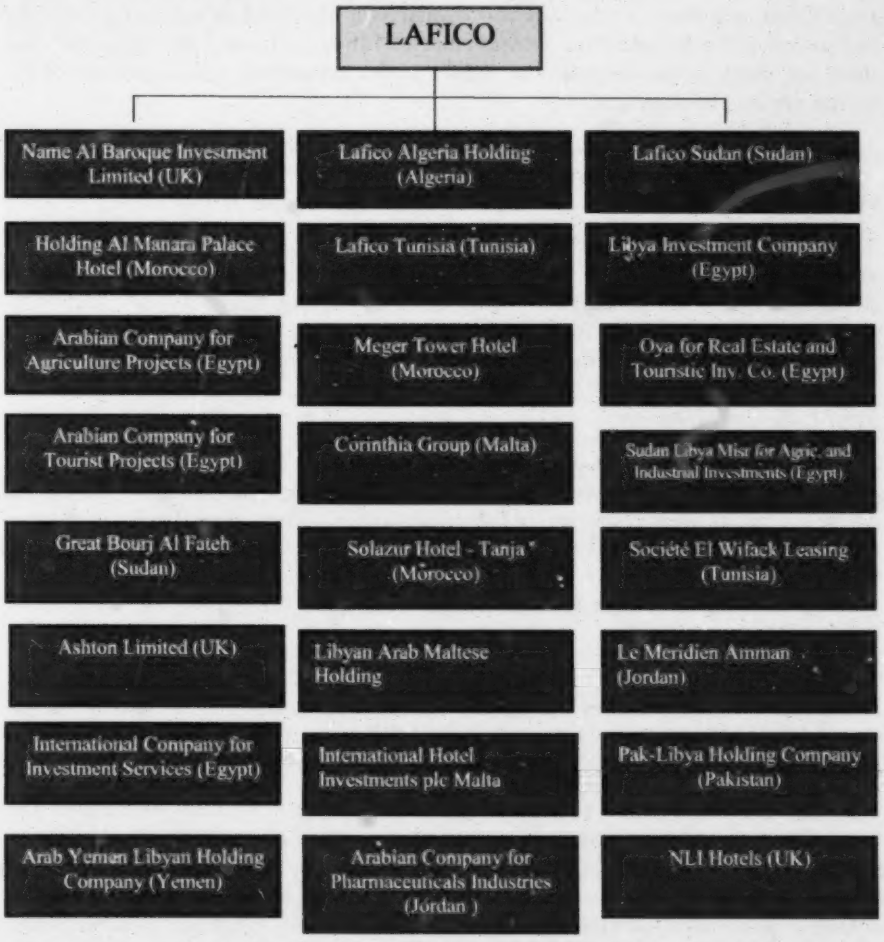
[24] "Repossession of 75 percent shares in Zamtel from LapGreen Networks of Libya is non-negotiable — Justice Minister", *Lusaka Times*, 17 January 2012. Available from www.lusakatimes.com/2012/01/17/repossession-75-percent-shares-zamtel-lapgreen-networks-libya-nonnegotiablejustice-minister.

caused the Committee to write to the Permanent Mission of Libya to seek clarification of the status of the Company. The response is awaited.

226. The Panel is endeavouring to obtain a definitive organization chart of the total assets of the Company. Meanwhile, information publicly available indicates that the companies shown in figure XII are, among others, subsidiaries, associates or affiliates of the Company (up to 19 May 2009).

227. Information has also been received from more than one source that a construction project owned by the Company in a Member State is the subject of financial misbehaviour by parties concerned in its management. This raises a number of issues with regard to the implementation of the asset freeze and also to the matter of diversion of Libyan-owned funds. At this stage, insufficient detail has been gleaned to institute a meaningful enquiry, but efforts to rectify this are in hand.

Figure XII
Chart of the Libyan Arab Foreign Investment Company


LAFICO
Name Al Baroque Investment Limited (UK)
Lafico Algeria Holding (Algeria)
Lafico Sudan (Sudan)
Holding Al Manara Palace Hotel (Morocco)
Lafico Tunisia (Tunisia)
Libya Investment Company (Egypt)
Arabian Company for Agriculture Projects (Egypt)
Meger Tower Hotel (Morocco)
Oya for Real Estate and Touristic Inv. Co. (Egypt)
Arabian Company for Tourist Projects (Egypt)
Corinthia Group (Malta)
Sudan Libya Misr for Agric. and Industrial Investments (Egypt)
Great Bourj Al Fateh (Sudan)
Solazur Hotel - Tanja (Morocco)
Société El Wifack Leasing (Tunisia)
Ashton Limited (UK)
Libyan Arab Maltese Holding
Le Meridien Amman (Jordan)
International Company for Investment Services (Egypt)
International Hotel Investments plc Malta
Pak-Libya Holding Company (Pakistan)
Arab Yemen Libyan Holding Company (Yemen)
Arabian Company for Pharmaceuticals Industries (Jordan)
NLI Hotels (UK)

Source: www.zawya.com/cm/profile.cfm/cid965539/Libyan%20Arab%20Foreign%20Investment%20Company (8 February 2012).

D. Listed individuals

228. Identifying and addressing key vulnerabilities within the current Libyan financial framework and discussing some of the obstacles to the recovery of stolen assets is crucial, especially because it is believed that assets stolen by corrupt officials under the previous regime have been hidden and integrated into the global financial network in a manner that has not raised suspicion.

229. It is strongly suspected that certain listed individuals are receiving or have received funds in the form of cash or valuables and also that hidden assets controlled by some listed individuals are held in false names or through front companies.

230. This is demonstrated by the decision of the High Court in London earlier in 2012 in a case brought by the Government of Libya concerning a house worth around £8 million in Hampstead, London. The house was owned by a shipping company called Capitana Seas Ltd., registered in the British Virgin Islands. The High Court held that the company was owned by a listed individual, Saadi Qadhafi, and awarded the house to the Government of Libya. It is strongly suspected that there are likely to be many similar hidden assets around the world that should be frozen pending court action.

231. The lawyer in the United Kingdom who handled the case has been contacted by the Panel and information beneficial to both parties has been exchanged with a view to identifying further hidden assets. Further cooperation is planned.

232. Until June 2012, a number of individuals and groups were, or purported to be, engaged in efforts to recover Libyan assets hidden abroad. The information received from such sources by the Panel was variable and its reliability doubtful. The situation has become simplified since 2 June 2012, with the formation of a single national agency to perform this function, the Asset Recovery Committee.

Asset Recovery Committee

233. The Asset Recovery Committee was formed with the purpose of identifying, with a view to recovering, assets of Libya, both frozen by other Member States and where hidden in other countries by Libyan nationals and entities. Hidden assets are those hidden by designated individuals and are therefore within the remit of the Panel. The Asset Recovery Committee was formed by virtue of Decision No. 34 of 2012 of the Council of Ministers, predicated on Law No. 87 of 1971 (see annex XVI to the present report).

234. The Asset Recovery Committee is led by the President of the Litigation Department of the Ministry of Justice and also includes representatives of the Central Bank of Libya, the Libyan Investment Authority, the Ministry of Finance, the Ministry of the Interior and the Attorney General's Office.

235. The primary method by which it hopes to achieve its aims is through the engagement of a foreign asset recovery company, which has already achieved some success in this area. The Asset Recovery Committee has instructed the company to release to the Panel any information that it obtains in respect of assets shown to belong to designated individuals so that steps can be taken to remind Member States to freeze those assets in accordance with their obligations. This would safeguard the

assets pending an eventual attempt by the Government of Libya to recover them by legal process.

236. In furtherance of the anticipated legal recovery actions, a delegation of senior officials from the Asset Recovery Committee travelled to the United Kingdom, where they received awareness training in methods of making asset recovery requests to other countries via mutual assistance treaties.

Further designations by Libya and by other Member States

237. In addition to seeking the assets of those already designated by the United Nations, the Asset Recovery Committee is also endeavouring to identify Libyan nationals who are suspected of possessing or controlling assets stolen from the Libyan State, with a view to identifying and recovering those assets through the courts of the countries in which they are located.

238. Furthermore, assuming that sufficient evidence is forthcoming and that the proposal to the Committee is approved, designation of further individuals shown to be in unlawful possession of Libyan funds would have the same effect of protecting any such assets from removal and further concealment. Following any such designation, the matter would fall within the remit of the Panel.

239. All other Member States are encouraged to consider proposing to the Committee the designation under the asset freeze measures of any individuals or entities who may be engaged in controlling, retaining or otherwise assisting in the movement or concealment of assets belonging to primary designated entities or individuals. The freezing of the assets of such entities or individuals would once again protect any relevant assets from further concealment or flight.

240. A number of potential designees have been identified during the course of the Panel's investigations and are further discussed in the investigations section below.

E. Investigations in progress

Saadi Qadhafi

241. Saadi Qadhafi, one of the sons of Muamar Qadhafi and a person designated under both the travel ban and asset freeze measures, is currently resident in the Niger, having fled there from Libya following the fall of the previous regime. During its visit to Niamey, the Panel was informed by the authority in charge of the protection of Saadi Qadhafi that he was living in a house provided by the Government and that the Government also provided him with basic needs and with an Internet connection. The latter facility was removed, however, when he made a provocative online declaration about returning to Libya, which also resulted in the confiscation of his telephones. The Panel was informed that he is now married to a woman from the Niger.

242. Furthermore, the authorities were aware that Saadi Qadhafi had sought to contact authorities in South Africa and Uganda to discuss his potential transfer to those countries. The Panel also gathered preliminary information about a case under investigation in the Niger involving a person suspected to be the intermediary between Saadi Qadhafi and the person who manages his financial affairs. The Panel met also representatives of the Financial Intelligence Unit of the Niger. The Unit

works only on cases when specifically instructed to do so by the authorities. The Ministry of Finance requested it to provide information in response to the Panel's first request regarding a person allegedly used by Saadi Qadhafi to perform business activities. During the meeting, the Unit provided some details. Although it was stated that the investigation had been completed, the Panel has received no further response from the Government. The Panel subsequently wrote several letters to the Niger to gather further information but no response has been provided to date.

243. Indications were present from an early stage that Saadi Qadhafi had access to and control of considerable funds that were concealed and not frozen as required by the asset freeze measures.

244. Exhaustive enquiries have corroborated those indications and an extensive network of companies, bank accounts and facilitators has been identified across a number of Member States. This network has provided Saadi Qadhafi with access to funds in contravention of the resolutions and involved a number of persons and companies in violation of those resolutions.

245. Enquiries are continuing in various Member States to obtain evidence to further support the considerable body of evidence already in the possession of the Panel. In particular, one individual, Dalene Sanders, a South African citizen living in the United Republic of Tanzania, was shown to be closely linked to Saadi Qadhafi and to his financial affairs. The involvement of her bank accounts and companies with Saadi Qadhafi's finances is under further detailed investigation.

246. Furthermore, the results of enquiries already made give details of companies owned by Saadi Qadhafi. The Member State in which the companies are registered has been requested to confirm whether they have already been frozen, with a request to do so if they have not been. A partially anonymized association chart (see annex XVII to the present report) has been prepared to illustrate the extent of the system created by Saadi Qadhafi and his confederates to enable his funds to remain available to him.

247. Information has also been received concerning two other individuals who can be shown to be close associates of Saadi Qadhafi and who are strongly suspected of being involved in assisting his financial affairs in contravention of the asset freeze measures. Enquiries about them are continuing.

248. The Panel has contacted all countries with companies or bank accounts within their jurisdiction relating to the designated individual for further information and appreciates all responses and invitations to visit received to date.

Abdullah Al-Senussi

249. Abdullah Al-Senussi, the chief of the Libyan Intelligence Service under the previous regime, is subject to the travel ban and asset freeze measures. He is currently in custody in Libya awaiting trial, while also facing charges by the International Criminal Court, which has requested his surrender to The Hague.

250. An exemption notification has been made by a Member State to allow a law firm representing the interests of Abdullah Al-Senussi to accept funds from him to pay for legal fees in connection with the proceedings relating to the Court's request for surrender. The Panel has requested the Member State to provide details of the source of the funds, apparently from an unknown second Member State, and awaits an exemption notification from that State in connection with the transfer out of that

Member State. It should be noted that no negative decision was taken by the Committee during the statutory period and that the notification has thus successfully passed through the Committee. Nevertheless, the Panel remains concerned about the source of the funds, which should be frozen, and the lack of notification from wherever they are located. Further enquiries are in hand.

251. During the course of its mandate, the Panel became aware that Abdullah Al-Senussi had been living in Morocco under an assumed name, without the knowledge of the Moroccan authorities. This came to light when he was arrested on arrival in Mauritania, travelling on a false Malian passport in the assumed name detailed below.

252. Enquiries were made of Morocco, which provided the following information (see annex XVIII to the present report):

Passport details:

Malian passport No.:	B0515260
Name:	Abdoullah Ould Ahmed
Date and place of birth:	1948, Anefif (Kidal) Mali
Date and place of issue:	10 Jan. 2012, Bamako (Mali)
Date of expiry:	10 Jan. 2017

Identity document:

Malian identification No.:	073/SPICRE
Name:	Abdoullah Ould Ahmed
Date and place of birth:	1948, Anefif (Kidal) Mali
Date and place of issue:	6 Dec. 2011, Essouck (Mali).

253. Abdullah Al-Senussi had been residing in Casablanca, Morocco, using that name, with a Libyan associate, Abderrahman El-Fitouri. During his stay, he visited clinics for medical treatment, accompanied by a young man, purporting to be his son, who gave the first name of Abdessalam. The man has been identified as Abdoussalam Ould Oumar, who was born on 24 August 1978. He holds a Malian passport, issued in Bamako, bearing the number B515262 (two numbers higher than the false passport used by Abdullah Al-Senussi, which suggests that both passports may be from an illegally acquired batch). According to the Moroccan authorities, Abdullah Al-Senussi's host was a suspected drug trafficker under investigation by the police and Abdullah Al-Senussi left the country for Mauritania when the investigation seemed likely to result in the residence being visited by the police.

254. Upon receipt of this information, the Panel made further enquiry of Morocco to establish how Abdullah Al-Senussi had paid for treatment at the aforementioned clinics and to ascertain whether any bank accounts had been opened in Morocco in the name of the false identity, Abdoullah Ould Ahmed, wherein assets may be located that should be frozen under the asset freeze measures. The Panel also

expressed interest in visiting Morocco in order to make more immediate local enquiries. Although a reminder letter was sent, no reply has been received to that particular request. Further enquiries are in preparation in relation to the additional names mentioned herein.

255. The Panel is of the opinion that there is a strong possibility that this identity could have been used to open bank accounts in other Member States and that it would therefore be helpful if the identity could be added to Abdullah Al-Senussi's designation as an alias.

Al-Unood Al-Senussi

256. According to several media reports, including an article published on 8 October 2012 in the *Tripoli Post*,[25] Al-Unood Al-Senussi, daughter of Abdullah Al-Senussi and niece of Muamar Qadhafi's wife, Safia Farkash al-Barassi, also a designated individual, was arrested on 6 October 2012 in Tripoli, having entered the country using a false Libyan passport. The reports also mentioned that she was in possession of a large amount of cash in United States dollars. The circumstances of the arrest give rise to suspicion that the cash is part of the hidden assets of her father, Abdullah Al-Senussi, the designated individual.

257. A letter was sent to Libya requesting further details of the cash and the investigation on 12 October 2012, but no reply has been received.

Mutassim Qadhafi

258. Information has been received by the Panel from more than one source that a company in Tunisia may have been acting on behalf of an individual designated under the asset freeze measures, Mutassim Qadhafi. The Tunisian authorities are currently assisting the Panel with its enquiries and company documentation provided by them shows that the owners of the company are a Moroccan national and a Libyan national. They also provided company details and copies of company bank statements. These are extensive and disclose the involvement of a company from another Member State. Morocco has provided further details of its national mentioned above. Detailed analysis will be performed on the above-mentioned information to establish whether there are any assets linked to designated individuals.

Further names related to individuals designated by the Committee

259. The *Tripoli Post* has reported that the Government of Switzerland has frozen assets linked to Muammar Qadhafi in the amount of 100 million Swiss francs.[26] The Panel requested further details from the Government, including how the assets are linked to Qadhafi, where they were discovered and in what form they were held in Switzerland. The Swiss authorities have confirmed that assets of a number of people, including two designated under the asset freeze measures, have been frozen and provided the Panel with confidential information that will need further investigation. Further cooperation with Switzerland is therefore planned.

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[25] "Daughter of Gaddafi spy chief arrested in Libya", *Tripoli Post*, 8 October 2012. Available from www.tripolipost.com/articledetail.asp?c=1&i=9273.

[26] "Swiss holding $millions in blocked Gaddafi assets", *Tripoli Post*, 16 October 2012. Available from www.tripolipost.com/articledetail.asp?c=1&i=9327.

F. Findings

1. Chad

260. The Panel visited Chad in December 2012 and met representatives of the Ministry of Finance and the relevant authorities in charge of monitoring and implementing the proper application of the asset freeze.

261. In particular, the Panel met the chief of the National Financial Investigation Agency and the representative of the Chadian branch of the Bank of Central African States.

262. During the visit, it was explained that the banking system and financial institutions were generally regulated by the Central African Economic and Monetary Community, part of the Bank of Central African States, and the regional supervisory authority, the Central African Banking Commission, also part of the Bank of Central African States. The latter, in accordance with Regulation No. 01/03 of the Central African Economic and Monetary Community, has jurisdiction over issues concerning anti-money laundering and combating the financing of terrorism.

263. During the visit, the Panel sought information relating to the implementation of the asset freeze measures, specifically to understand the effectiveness of implementation by the Chadian authorities.

264. In particular, the Panel requested:

(a) The methodology used by the Chadian authorities to inform banks and other financial institutions of the restrictions placed upon Libyan individuals and entities listed under the relevant Security Council resolutions;

(b) The procedure in place to identify and freeze assets belonging to such individuals and entities pursuant to the relevant paragraphs of resolution 1970 (2011);

(c) With regard to suspicious transactions reports, to know how such reports are reviewed and evaluated;

(d) A list of assets frozen since the adoption of the relevant Security Council resolutions regarding Libya.

265. The Chadian authorities responded as follows:

(a) The Central African Banking Commission is the supervisory authority responsible for monitoring the financial system in several countries in Central Africa, including Chad. The headquarters are in Cameroon and the branch in Chad has no role in implementing the asset freeze measures. The Chadian authorities stated that, to their knowledge, no list of individuals and entities listed by the Committee had been circulated by the Commission;

(b) The National Financial Investigation Agency explained to the Panel that it had a procedure in place to combat the financing of terrorism, specifically referring to the Al-Qaida Sanctions List and the list established pursuant to resolution 1988 (2011), and confirmed that at the time of the Panel's visit it was not aware of the list maintained by the Committee. They were aware, however, that the Hotel Kempinski in N'Djamena and the Banque Commerciale du Chari were owned by the previous Libyan regime;

(c) The National Financial Investigation Agency explained to the Panel that any suspicious transaction report should be passed to it by the financial sector to be analysed, but that no such report relating to Libyan listed individuals or entities had been received from the financial sector;

(d) The Chadian authorities are not in possession of any list of frozen Libyan assets.

266. On the basis of the responses above, it appears that there is no effective mechanism for the identification or freezing of any assets belonging to designated entities or persons. Furthermore, and consequently, no such assets have been identified or frozen. As the authorities were not in possession of the list of designated entities and persons, it was not possible for them to comply with the requirements of the asset freeze measures.

267. Furthermore, although they were aware of assets owned by the previous Libyan regime, the authorities have taken no measures to freeze them. In particular, during the visit, it was clear that the Chadian authorities were aware that the Qaddafi regime owned the Hotel Kempinski, through the Libyan Arab Foreign Investment Company, and the Banque Commerciale du Chari, which is 50 per cent owned by the Libyan Foreign Bank (now delisted, but previously listed under the terms of the original asset freeze measures).

268. Furthermore, a branch of the Banque Sahelo-Saharienne pour l'investissement et le commerce is located in N'Djamena. The bank was established by a treaty signed by the leaders of member countries on 4 February 1998 in Tripoli. The bank's authorized capital is 250 million euros, entirely provided by shareholder States, including Libya, which is the major shareholder with 45 per cent of the capital.[27] At the time of the Panel's visit, no action had been taken since the commencement of the asset freeze measures to prevent funds from being made available to designated individuals or entities. From the evidence, the Panel concludes that Chad has failed to comply with the asset freeze measures.

269. The Panel, in order to corroborate this information, sent a letter to the Deputy Secretary General of the Central African Banking Commission, in which it explained the importance of receiving details of any assets completely or partially owned by persons and/or entities inscribed on the consolidated list. The Panel has been trying unsuccessfully to contact the Bank of Central African States since July 2012 and the Commission since December 2012. No responses have yet been received.

270. The Panel sent a letter to the Government of Chad on 23 January 2013 to offer the opportunity to rebut the above assertions, but no response has been received.

271. From the above evidence, the Panel concludes that Chad is not implementing the asset freeze measures and is therefore in breach of resolution 1970 (2011).

2. Other Member States supervised by the Central African Banking Commission

272. The findings in relation to the lack of implementation by Chad of the asset freeze measures above, in part owing to the failure of the Central African Banking Commission to provide the necessary information, give rise to concerns about the

[27] See www.bsicnet.com/spip.php?article27.

situation in the other countries in the region whose banking operations are also supervised by the Commission: Cameroon, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea and Gabon.

273. While it is suspected that assets of the previous regime may be held in many countries of the region, no specific information concerning such assets has been received by the Panel in relation to those States. Only Gabon has submitted an implementation report to the Committee concerning the asset freeze measures. That report, while stating that no designated entity or individual was shown as an account holder in Gabon, gave no details of any measures taken to identify assets of such entities or individuals. It is therefore not possible at this stage to comment on the current situation or on the compliance or otherwise with the asset freeze measures of those States, apart from Chad.

274. Nevertheless, given the example of Chad, the Panel considers that further enquiries should be made of those States in respect of both compliance and potential hidden assets of designated entities and individuals.

3. Central Bank of West African States

275. The Central Bank of West African States serves several countries in West Africa: Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, the Niger, Senegal and Togo.

276. With regard to those Member States, only Togo has submitted an implementation report, in which it states that it has complied with the procedures as instructed by the Bank, but does not provide details of what those procedures are.

277. Benin provided information in respect of assets owned by an entity subsequently delisted by virtue of being a subsidiary of the Libyan Investment Authority in line with resolution 2009 (2011), but failed to respond to a follow-up enquiry.

278. During the Panel's visit to the Niger in 2012, the Niger cooperated with regard to the investigation into the finances of designated individual Saadi Qadhafi, currently resident in Niamey, although promised copies of relevant documents are yet to be received. No information has been received in respect of implementation. The Financial Intelligence Unit in the Niger was unaware of the list of individuals and entities subject to the travel ban and asset freeze measures. The Panel provided it with an updated list during its visit.

279. There is an apparent lack of implementation of the asset freeze measures by the Niger, but enquiries are in hand to establish the true position before commenting further.

280. An initial letter sent to the Central Bank of West African States was later found to have failed to arrive and a subsequent letter dated 17 July 2012 has to date not elicited a response. In the light of the foregoing, and in consequence of the findings concerning the Bank of Central African States and the Central African Banking Commission, the Panel considers that further enquiries are also required in respect of the implementation of the asset freeze measures by countries supervised for banking operations by the Central Bank of West African States.

4. Related matters

281. Information has been received by the Panel that certain other Member States have not implemented the asset freeze measures owing to a lack of national legislation enabling them so to do. Enquiries have been instituted in the form of letters to the relevant States but, to date, no meaningful response has been received. Further enquiries will need to be undertaken to establish the true position, especially given that at least one of the Member States is strongly suspected of having considerable relevant assets on its territory.

V. Recommendations

A. Arms embargo

Government of Libya

282. The Panel of Experts addresses the following recommendations to the Government of Libya:

(a) Urgently assign a focal point structure through which all security assistance procurement should be channelled;

(b) Ensure the use of end-user certificates for security equipment procured. The end user of the firearms categories should assume responsibility for receiving, storing, recording and distributing the equipment.

Security Council

283. The Panel of Experts addresses the following recommendations to the Security Council:

(a) Remove the need for exemption notifications for certain types of security assistance, including training, military equipment (excluding weapons and ammunition and explosives), related maintenance, spare parts, protective equipment and other non-lethal items;

(b) Impose tighter monitoring obligations on weapons, mines and explosives, related ammunition and spare parts (should this recommendation be accepted, the Panel can advise on its implementation, if required).

B. Travel ban

284. The Panel of Experts recommends that the Committee conclude an agreement with the International Criminal Police Organization on the issuing of International Criminal Police Organization-Security Council special notices in relation to listed individuals.

C. Assets freeze

To the Committee

285. The Panel of Experts addresses the following recommendations to the Committee:

(a) Maintain the Libyan Investment Authority, including the Libyan Arab Foreign Investment Company, and the Libyan Africa Investment Portfolio listed until such time as clear and transparent governance is established across all the holdings of both companies;

(b) Add the identity used by Abdullah Al-Senussi while in Morocco to the designation as an alias as follows:

Malian passport No.:	B0515260
Name:	Abdoullah Ould Ahmed
Date and place of birth:	1948, Anefif (Kidal) Mali
Date and place of issue:	10 Jan. 2012, Bamako (Mali)
Date of expiry:	10 Jan. 2017
Malian identification No.:	073/SPICRE
Name:	Abdoullah Ould Ahmed
Date and place of birth:	1948, Anefif (Kidal) Mali
Date and place of issue:	6 Dec. 2011, Essouck (Mali).

To Member States

286. The Panel of Experts recommends that Member States give due consideration to the submission of designation proposals to the Committee relating to entities or individuals who are found to have been assisting in any way with the finances of entities or individuals already designated under the asset freeze measures and to the submission of proposals concerning entities or individuals who are found to be in possession of assets of any kind that have been illegally appropriated from the Libyan people, and held outside Libyan territory.

Annex I

Countries visited by the Panel during the mandate

Country	*Arrival*	*Departure*
United States	07/05/12	13/05/12
Kenya	21/05/12	24/05/12
Libya	28/05/12	31/05/12
Libya	04/06/12	12/06/12
United Kingdom	20/06/12	n/a
Libya	24/06/12	27/06/12
Nigeria	01/07/12	04/07/12
Lebanon	11/07/12	19/07/12
United States	22/07/12	28/07/12
Algeria	06/08/12	09/08/12
Libya	27/08/12	29/08/12
Niger	03/09/12	06/09/12
Libya	11/09/12	14/09/12
United Kingdom	21/09/12	n/a
Libya	08/10/12	12/10/12
United Kingdom	19/10/12	n/a
Libya/Ethiopia	21/10/12	01/11/12
Libya	13/11/12	22/11/12
United States	25/11/12	05/12/12
Chad	09/12/12	11/12/12
Albania	17/12/12	19/12/12
Lebanon	28/12/12	29/12/12
Belgium	07/01/13	09/01/13
Tunisia	15/01/12	17/01/12
Libya/Egypt	13/01/12	17/01/12
Libya	20/01/13	24/01/13
Israel	28/01/13	29/01/13
United Kingdom	30/01/13	n/a

Annex II

List of institutions and individuals consulted

This list excludes certain individuals, organizations or entities whom the Panel met, in order to maintain the confidentiality of the source or sources and not to impede the ongoing investigations of the Panel.

Libya	
Government:	Ministry of Foreign Affairs, Ministry of Defence, Ministry of Planning, Libyan Mine Action Centre, Central Bank of Libya, Libyan Investment Authority, internal security forces, Supreme Security Committee, border security group of experts, Special Adviser to the Deputy Prime Minister, Warrior's Commission, Asset Recovery Committee
Organizations:	UNSMIL, demining operators, World Bank representatives, International Organization for Migration
Diplomatic missions:	United Kingdom, France, Egypt, United States
Albania	
Government:	Military Export Import Company (MEICO), civil aviation authority and Ministry of Foreign Affairs
Algeria	
Government:	Ministry of Foreign Affairs, Special Adviser to the President, security agency
Belgium	
Private sector:	FN Herstal
Chad	
Government:	Ministry of Defence, Ministry of Foreign Affairs, Chief of Staff particulier for the President, Secretary General of the Ministry of Finance and the Financial Intelligence Unit, Bank of Central African States, Central Bank
Multilateral organizations:	Department of Safety and Security of the Secretariat, United Nations Development Programme
Egypt	
Government:	Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Defence
Ethiopia	
Workshop:	Attended an arms export seminar
Kenya	
Workshop:	Members of the Panel participated in a workshop in Nairobi on: "Implementing Sanctions: Prospects and Problems"

Lebanon	
Government:	Ministry of Foreign Affairs, Ministry of Defence and the Special Investigation Commission at the Central Bank of Lebanon
Niger	
Government:	National Security Adviser, security services, immigration officials, Minister of the Interior
Multilateral organizations:	Department of Safety and Security of the Secretariat, Economic Community of West African States, United Nations Development Programme
Nigeria	
Government:	Ministry of Foreign Affairs, State security services, National Security Adviser, Minister of the Interior
Multilateral organizations:	United Nations Resident Coordinator, Economic Community of West African States
Tunisia	
Government:	Ministry of Defence, Ministry of the Interior, Ministry of Foreign Affairs
United Kingdom	
Non-governmental organizations:	Global Witness, British Bankers Association
United States	
Permanent missions:	Albania, Algeria, Australia, Belarus, Chad, China, Egypt, France, Hungary, Israel, Libya, Luxembourg, Niger, Republic of Korea, Russian Federation, Rwanda, Tunisia, Turkey, Turkey, Ukraine, United Kingdom and United States
Multilateral organizations:	International Monetary Fund and World Bank Libya Team

Annex III

Panel official outgoing correspondence log

2012

No.	*Country*	*About*	*Sent on*
29	Albania	Arms embargo	30/04/12
30	Belgium	Arms embargo	30/04/12
31	Lebanon	Arms embargo	30/04/12
32	Qatar	Arms embargo	30/04/12
33	Chair	Panel letter to Lebanon regarding arms embargo	10/05/12
34	Central Bank of Libya	Visit	11/05/12
35	Egypt	Arms embargo	14/05/12
36	Libya	Visas	14/05/12
37	Libya	Visit	15/05/12
38	Libya	Visit	18/05/12
39	Egypt	Arms embargo	29/05/12
40	Syrian Arab Republic	Arms embargo	29/05/12
41	Nigeria	Visit	31/05/12
42	Algeria	Visit	31/05/12
43	Chad	Visit	04/06/12
44	Morocco	Travel ban	06/06/12
45	Niger	Visit	11/06/12
46	Libya	Visit	11/06/12
47	Central Bank of Libya	Meeting	13/06/12
48	Turkey	Arms embargo	14/06/12
49	Lebanon	Arms embargo	18/06/12
50	Nigeria	Visit	18/06/12
51	Lebanon	Visit	21/06/12
52	Chair	Committee letter to Lebanon regarding the Libyan Arab Foreign Investment Company	22/06/12
53	Chair	Draft implementation assistance notice on arms embargo	26/06/12
54	United States	Asset freeze	27/06/12
54	Mauritania (duplicated reference number)	Travel ban	06/07/12
55	Pakistan	Arms embargo	10/07/12
56	Canada	Arms embargo	10/07/12
57	Poland	Arms embargo	10/07/12
58	Niger	Travel ban and asset freeze	12/07/12
59	Chad	Meeting	12/07/12
60	Zambia	Asset freeze	13/07/12
61	Central Bank of West African States	Asset freeze	18/07/12
63	Niger	Asset freeze	18/07/12
64	Lebanon	Arms embargo	23/07/12
64	Chair	Double numbered	23/07/12
65	Libya	Visit/meeting	24/07/12

66	Algeria	Visit/meeting	31/07/12
67	Algeria	R-Visit/meeting	01/08/12
68	Chad	Visit/meeting	02/08/12
69	Mali (double numbered as OC.68)	Travel ban/asset freeze	06/08/12
70	Algeria	Visit/meeting	13/08/12
71	Morocco	Visit/meeting	13/08/12
72	Belgium	Arms embargo	13/08/12
73	Mali	Visit/meeting	22/08/12
74	Albania	Visit/meeting	27/08/12
75	Niger	Visit/meeting	
76	Libya	Arms embargo	04/09/12
77	Chair	Visit/meeting-Chad	04/09/12
78	Malta	Arms embargo	05/09/12
79	Qatar	Arms embargo	05/09/12
80	Mali	Visit/meeting	
81	Niger	Asset freeze	12/09/12
82	Chair	Implementation assistance notice	17/09/12
83	Egypt	Visit/meeting	25/09/12
84	France	Visit/meeting	25/09/12
85	Chair	Arms embargo/implementation assistance notice	26/09/12
86	Albania	Visit/meeting	27/09/12
87	Morocco	Visit/meeting	28/09/12
88	Chair	Report	28/09/12
89	Switzerland	Arms embargo	02/10/12
90	Syrian Arab Republic	*Letfallah II*	05/10/12
91	France	Visit/meeting	05/10/12
92	Malta	Arms embargo	05/10/12
93	Pakistan	Arms embargo	05/10/12
94	Italy	Arms embargo	05/10/12
95	Tunisia	Visit/meeting	10/10/12
96	Libya	Asset freeze	12/10/12
97	Algeria	Asset freeze	12/10/12
98	Chair	Requesting assistance	18/10/12
99	Tunisia	Visit/meeting	16/10/12
100	France	Arms embargo	16/10/12
101	Mali	Visit/meeting	22/10/12
102	Switzerland	Asset freeze	22/10/12
103	South Africa	Asset freeze	22/10/12
104	Uganda	Asset freeze	22/10/12
105	Turkey	Arms embargo	24/10/12
106	Israel	Arms embargo	24/10/12
107	Qatar	Arms embargo	24/10/12
108	Jordan	Arms embargo	24/10/12
109	Chair	Requesting assistance	25/10/12
110	Niger	Asset freeze	25/10/12
111	Turkey	Arms embargo	01/11/12
112	Canada	Asset freeze	12/11/12

113	Albania	Visit/meeting	06/11/12
114	Greece	Arms embargo	07/11/12
115	Italy	Arms embargo	06/11/12
116	Egypt	Asset freeze	12/11/12
117	Belgium	Arms embargo	12/11/12
118	Russian Federation	Arms embargo	14/11/12
119	Chad	Visit/meeting	16/11/12
120	Libya	Arms embargo	26/11/12
121	Algeria	Asset freeze	23/11/12
122	Mauritius	Visit/meeting	23/11/12
123	United Republic of Tanzania	Asset freeze	23/11/12
124	Nigeria	Arms embargo	24/11/12
125	Algeria	Arms embargo	26/11/12
126	Algeria	Arms embargo	26/11/12
127	Chair	Facilitating response	03/12/12
128	Chad	Visit/meeting	05/12/12
129	Egypt	Visit/meeting	05/12/12
130	Lebanon	Arms embargo/visit	12/12/12
131	Morocco	Arms embargo/visit	11/12/12
132	Israel	Arms embargo/visit	12/12/12
133	Tunisia	Visit/meeting	13/12/12
134	France	Arms embargo	18/12/12
135	Chad	Arms embargo	18/12/12
136	Algeria	Arms embargo/visit	18/12/12
137	Armenia	Arms embargo	21/12/12
138	Republic of Moldova	Flight information	21/12/12
139	North Atlantic Treaty Organization	Flight information	21/12/12
140	United Arab Emirates	Arms embargo	21/12/12
141	Ukraine	Arms embargo	21/12/12
142	Qatar	Arms embargo	27/12/12
143	United Arab Emirates	Arms embargo	27/12/12
144	Saudi Arabia	Arms embargo	27/12/12
145	Tunisia	Visit/meeting	26/12/12
146	Central African Banking Commission	Asset freeze	27/12/12

2013

No.	*Country*	*About*	*Sent on*
1	Russian Federation	Arms embargo	03/01/13
2	Egypt	Visit/meeting	03/01/13
3	Lebanon	Arms embargo	03/01/13
4	Israel	Visit/meeting	07/01/13
5	Niger	Request for response to enquiries	09/01/13
6	United Republic of Tanzania	Asset freeze	10/01/13
7	Pakistan	Arms embargo	11/01/13
8	France	Arms embargo	11/01/13
9	Belgium	Arms embargo	14/01/13

10	Canada	Arms embargo	16/01/13
11	United States	Arms embargo	16/01/13
12	Ukraine	Arms embargo	16/01/13
13	Albania	Arms embargo	16/01/13
14	United Arab Emirates	Arms embargo	16/01/13
15	Tunisia	Arms embargo	17/01/13
16	Russian Federation	Arms embargo	17/01/13
17	Romania	Arms embargo	17/01/13
18	South Africa	Asset freeze	23/01/13
19	United Republic of Tanzania	Asset freeze	21/01/13
20	Mauritius	Asset freeze	23/01/13
21	Switzerland	Asset freeze	23/01/13
22	Mali	Travel ban	23/01/13
23	Mauritania	Travel ban	23/01/13
24	Algeria	Arms embargo	24/01/13
25	Chad	Asset freeze	23/01/13
26	France	Arms embargo	24/01/13
27	Libya	Arms embargo	28/01/13
28	Libya	Asset freeze	31/01/13
29	Mali	Visit/meeting	04/02/13
30	Sudan	Arms embargo	04/02/13

Annex IV

Level of responsiveness to requests for information from the Panel

Country/organization	*Number of letters sent*	*Requested information fully supplied*	*Information partially supplied*	
Albania	2	2		
Algeria	5	2	1	
Armenia	1	1		
Bank of Central African States	2			
Belgium	4	3		
Canada	3	1		
Central African Banking Commission	1			
Central Bank of West African States	1			
Chad	1			
Egypt	3	3		
France	6	2	4	
Greece	1	1		
Italy	2	1	1	
Jordan	1	1		
Lebanon	3	2		
Libya	7	2		
Mali	2			
Malta	1		1	
Mauritania	2	2		
Mauritius	2	2		
Morocco	2	2		
Niger	5			
Nigeria	1			
North Atlantic Treaty Organization	1	1		
Pakistan	3	2		
Poland	1	1		
Qatar	4	2	1	
Republic of Moldova	1			
Russian Federation	3	1		
Romania	1		1	
Saudi Arabia	1	1		
South Africa	2			
Switzerland	3	1	2	
Syrian Arab Republic	2	1		
Tunisia	3	2		
Turkey	3	2		

Uganda	1	1		
Ukraine	2	2		
United Arab Emirates	3			
United Republic of Tanzania	3	3		
United States	2	1		
Zambia	1	1		

[a] Member State indicated that a response was forthcoming.

Annex V

Rebuttal from the State of Qatar

Permanent Mission of the
State of Qatar to the United Nations
New York

الوفد الدائم لدولة قطر
لدى الأمم المتحدة
نيويورك

URGENT

QUN/13-23

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Coordinator of the Panel of Experts on Libya established pursuant to resolution 1973 (2011) and has the honour to refer to his letters dated 5 September 2012 (ref. S/AC.52/2012/PE/OC.79) and 24 October 2012 (ref. S/AC.52/2012/PE/OC.107) and the forthcoming Panel of Experts' final report.

In that regard, and upon instructions from the Government of the State of Qatar, the Permanent Mission of the State of Qatar has the honour to provide below a reply to the inquiry in the above-referenced letters.

- The State of Qatar has been and continues to be keen to cooperate with the Panel of Experts on Libya.
- The State of Qatar, as mentioned in its letter dated 12 February 2012, has taken action to protect Libyan civilians in accordance with Security Council resolution 1973 (2011), in particular paragraphs 4 and 8 thereof.
- It has regularly notified the United Nations Secretary-General of these actions acting in conformity with the provisions of this resolution and in line with the policy of the State of Qatar, which is characterized by transparency and objectivity. In this regard, it notes its following letters addressed to the UNSG in implementation of the above-mentioned resolution:
  - the letter dated 19 March 2011 which is issued in Security Council document S/2011/163
  - the letter dated 25 March 2011 which is issued in Security Council document S/2011/195
  - the letter dated 6 May 2011 which is issued in Security Council document S/2011/321
  - the letter dated 22 July 2011 which is issued in Security Council document S/2011/450
- The State of Qatar once more assures the Panel of Experts that it has been and continues to be keen to implement its international commitments in full

Permanent Mission of the
State of Qatar to the United Nations
New York

الوفد الدائم لدولة قطر
لدى الأمم المتحدة
نيويورك

transparency and good will and in the interest of international peace and security. It took the above-mentioned action according to Security Council resolution 1973 (2011), specifically paragraph 4 thereof. Thus it dispatched a limited number of military personnel to Libya to provide military consultation to the revolutionaries, defend Libyan civilians, and protect aid convoys destined for them. It supplied those Qatari military personnel with limited arms and ammunition for the purpose of self-defence and to carry out these tasks, especially since they were directly targeted by Qadhafi's troops. All of this was done in full coordination with the North Atlantic Treaty Organisation (NATO) and under its umbrella.

- The State of Qatar categorically denies the information reported by some media that it supplied the revolutionaries with arms and ammunition. If some ammunition found its way to some Libyan revolutionaries, despite measures taken to prevent this from happening, then this could only be explained by the conditions of fierce fighting, which was taking place in most of the Libyan territory, and the ensuing exceptional consequences, which are difficult to assess and which could have led to this.

The Permanent Mission of the State of Qatar to the United Nations avails itself of this opportunity to renew to the Coordinator of the Panel of Experts on Libya the assurances of its highest consideration.

New York, 15 January 2013

Mr. Salim Raad
Coordinator, Panel of Experts on Libya established pursuant to resolution 1973 (2011)
c/o [redacted]
Secretary, Security Council Committee established pursuant to resolution 1970 (2011)
730 Third Avenue, Fl 8, [redacted]
New York, NY 10017
[redacted]

Annex VI

Export licence delivered by the Albanian authorities

REPUBLIKA E SHQIPËRISË
(REPUBLIC OF ALBANIA)

MINISTRIA E MBROJTJES
(MINISTRY OF DEFENCE)

AUTORITETI I KONTROLLIT SHTETËROR TË EKSPORTEVE A.K.SH.E.
(STATE EXPORT CONTROL AUTHORITY)

LICENSË EKSPORTI ME NJË PËRDORIM PËR MALLRA USHTARAKE

SINGLE-USE EXPORT LICENCE FOR MILITARY GOODS

LICENSË EKSPORTI ME NJË PËRDORIM (SINGLE-USE EXPORT LICENCE)

1. Eksportues: **"MEICO" MINISTRIA E MBROJTJES** *(Exporter: "MEICO" MINISTRY OF DEFENCE)*
Adresa *(Address)*: **Rr. "4 Shkurti Nr.57", Tiranë**
Telefoni *(Telephone)*: **+355 42 24 09 60** Fax *(Fax)*: **+355 42 22 52 27**
Banka *(Bank)*: **BKT Albania**
Llogaria bankare *(Currency account)*: **506437510**
SWIFT *(Fiscal code)*: **36220200AA**

2. Nr. dhe data e certifikatës së regjistrimit *(No. and date of registration certificate)*: **Nr. 1 13.07.2009**

3. Partneri i huaj/ shteti: **"UKRINMASH"** *Firmë shtetërore me vetëfinancim për Tregtinë e Jashtme dhe Investime, UKRAINË (Foreign partner/Country: "UKRINMASH" State self – supporting Foreign Trade and Investment Firm, UKRAINE*

4. Shteti i origjinës *(Country of origin)*: **Shqipëri *(Albania)*** — Kodi *(Code)*: **AL**

5. Shteti Importues *(Importing country)*: **Emiratet e Bashkuara Arabe *(United Arab Emirates)*** — Kodi *(Code)*: **1 AE**

6. Shteti i destinacionit të fundit *(Country of final destination)*: **Emiratet e Bashkuara Arabe *(United Arab Emirates)*** — Kodi *(Code)*: **1 AE**

7. Vendet e tranzitit/transbordit *(Transit/transship country)*: **Jo / No**

8. Mënyra e transportit *(Mean of transport)*: **Ajror *(By Air)***

9. Kushtet e dorëzimit *(Delivery terms)*: **FCA**

10. Përdoruesi i fundit *(End user)*: **Forcat e Armatosura të Emirateve të Bashkuara Arabe *UAE Armed Forces***

11. Përdorimi i fundit (qëllimi) *(End use purpose)*: **Për përdorim për nevojat e Emirateve të Bashkuara Arabe *(Use for own needs of the United Arab Emirates)***

12. Furnitorues: **MINISTRIA E MBROJTJES "MEICO" Shqipëri** *(Supplier) MINISTRY OF DEFENCE "MEICO" Albania*

13. Kushtet e pagesës: **Parapagim *(Prepayment)*** — Kodi *(Code)*:

14. Vlefshmëria e licencës: **1 Vit** *(Validity of licence) 1 Year*

15. Monedha (Valuta) e pagesës: **United States of America Dollar** — Kodi *(Code)*: **1 USD**

16. Përshkrimi i mallrave *(Description of goods)*	17. Kodi Doganor i mallit *(Customs tariff code no.)*	18. Kodi sipas listës së kontrollit *(Control lists code no.)*	19. Sasia *(Quantity)* Njësia *(Unit)*	Shuma *(Amount)*	20. Vlera në monedhën e pagesës (USD) *(Value in currency of payment (USD))*
FISHEKË 12.7 x 108 mm *CARTRIDGES 12.7 x 108 mm*	**93063030**	**ML 3**	**Copë/Pieces**	**800.000**	**240.000,00**
21. Totali *(Totali)*					**240.000,00 (USD)**

22. Pika Doganore: **Aeroporti "RINAS", TIRANË** *(Customs office): RINAS Airport, TIRANA*

23. Përfaqësuesi ligjor/Pika e kontaktit: **Granit Leka** *(Legal representative/Point of contact)*

- **Subjekti i licensuar, në zbatimin e kontratës për trasferimin ndërkombëtar të mallrave duhet të përmbushë detyrimin e dispozitave të Nenit 28, të Ligjit Nr. 9707, datë 05/04/2007 "Për kontrollin shtetëror të veprimtarisë së import-eksportit të mallrave ushtarake dhe mallrave e teknologjive me përdorim të dyfishtë" dhe Urdhërit të Kryetarit të AKSHE-së, date 30/12/2008 "Për përcaktimin e formatit të raportit, afatet dhe koha e paraqitjes së raporteve"**
(The licensed entity in the implementation of the contract for the international transfer of the goods must fulfill the obligation of the provisions of Article 28 of the Law Nr. 9707, dated 05/04/2007 "On state control of the import-export activities of military goods and dual-use goods and technologies" and the Order of the President of the AKSHE, dated 30/12/2008 "On determining format report, the terms and timing of submission of reports.")

Shënim: Kopja me ngjyrë të bardhë mbetet në dosjen e subjektit në arshivë.

LICENSË EKSPORTI ME NJË PËRDORIM (SINGLE – USE EXPORT LICENCE)

- **Subjekti i licensuar mbart detyrimin, në përputhje me pikën 3, të nenit 23, të Ligjit nr 9707, datë 05/04/2007 "Për kontrollin shtetëror të veprimtarisë së import-eksportit të mallrave ushtarake dhe mallrave e teknologjive me përdorim të dyfishtë", të refuzoi zbatimin e një marrëveshje/kontrate ekonomike të huaj për transferimin ndërkombëtar të mallrave, nëse ai njoftohet se mallrat do të përdoren për qëllime të tjera të padeklaruara në marrëveshje/kontratë ose në dokumente të tjera të lidhura me këtë transferim, ose do të përdoren nga një përdorues tjetër i fundit, i ndryshëm nga ai për të cilin është lëshuar Licensa.**
(The licensed entity bears the obligation, in accordance with paragraph 3, Article 23, Law No. 9707, dated 05/04/2007 " On state control of the import-export activities of military goods and dual-use goods and technologies " refused to implement an agreement / contract for foreign economic international transfer of goods if the goods he reportedly will be used for purposes other undisclosed agreement / contract or other documents related to this transfer, or I use Last another user, different from that for which the license was issued.)

- **Mosrespektimi i dispozitave ligjore dhe nënligjore në fuqi, nga ana e subjektit të licensuar, në fushën e Kontrollit Shtetëror të Eksporteve, do të sjellë sanksionet e parashikuara nga kreu IV, i Ligjit Nr. 9707, datë 05/04/2007 "Për kontrollin shtetëror të veprimtarisë së import-eksportit të mallrave ushtarake dhe mallrave e teknologjive me përdorim të dyfishtë"**
(Disregard of legal provisions and legislation in force, by the licensed entity, on the State Export Control, will bring the sanctions provided for by the head IV, of Law no. 9707, dated 05/04/2007 " On state control of the import-export activities of military goods and dual-use goods and technologies ")

REPUBLIKA E SHQIPËRISË
REPUBLIC OF ALBANIA

AUTORITETI I KONTROLLIT SHTETËROR TË EKSPORTEVE
STATE EXPORT CONTROL AUTHORITY

LIÇENSË EKSPORTI Nr. 18
(EXPORT LICENCE) (No.)

LEJOHET TË KRYHET KY EKSPORT DERI ME DATË Data 07/09/2011
(BY THEREBY AUTHORIZE THIS EXPORT TO TAKE PLACE UNTIL) (Date)

NË PËRPUTHJE ME KËTË KËRKESË SIPAS DETAJEVE TË MËSIPËRME DHE NË BAZË TË LIGJIT Data 06/09/2012
(IN COMPLIANCE WITH THE PRESENT APPLICATION, WITH THE ABOVE DETAILS) (Date)

VULA
(STAMP)

KRYETARI
(HEAD OF AKSHE)
ERALD DERVISHI

Shënim: Kopja me ngjyrë së bardhë mbetet në dosjen e subjektit në arshivë.

Annex VII

Delivery verification certificate from the United Arab Emirates

International Golden Group

300/26
24.02.2012

Per HM

Delivery Verification Certificate

This Certificate confirms that in accordance with the table below and items delivered from Albania related to the End User Certificate No. DP3/2/44/1/2011/153 Dated 17.07.2011, that the items were received by the UAE Armed Forces.

Item Number	Description of Products	Quantity (pcs)
1	Cartridges 12.7x108mm	800,000

We the undersigned confirm that all of the facts contained in this certificate are true and correct to the best of its knowledge and belief.

On behalf of the UAE Armed Forces

Signature: .....

Designation: Mr. Khalifa Murad Al Baloushi
Deputy Chief Executive Officer

International Golden Group PJSC • P.O. Box 43595, Abu Dhabi, U.A.E.

Annex VIII

End-user certificate Ukraine-United Arab Emirates

بسم الله الرحمن الرحيم

UNITED ARAB EMIRATES
G. H. Q ARMED FORCES
LOGISTICS STAFF
DTE. GENERAL PURCHASING
Tel No. +971 - 2 - 4078939
Fax No. +971 - 2 - 4414042
P.O. Box No. 2501,
ABU DHABI

دولة الامارات العربية المتحدة
القيادة العامة للقوات المسلحة
هيئة الامداد
مديرية المشتريات العامة
هاتف: ٩٧١ - ٢ - ٤٠٧٨٩٣٩
فاكس: ٩٧١ - ٢ - ٤٤١٤٠٤٢
ص. ب. ٢٥٠١
ابوظبي

END USER CERTIFICATE

1. Name and address of the End user:	**United Arab Emirates / UAE ARMED FORCES (under Ref.DP3/2/44/1/2011/153) Abu Dhabi, UAE**
2. Name and address of the Exporter:	**"UKRINMASH" State Self-Supporting Foreign Trade and Investment Firm 36, Dehtyarivska St., Kyiv, 04119, Ukraine.**
3. Name and address of the Importer:	**United Arab Emirates / International Golden Group Bani Yas Tower, POBox 43999,Abu Dhabi, UAE**
4. Name and address of the Agent:	**"DG ARMS CORPORATION" CJSC 3, Amiryan Str., 0010, Yerevan, Republic of Armenia**

5. Denomination and full description of the goods:

№	Description	Qty
1	AK-47 Assault rifle, md63, caliber 7,62x39mm	1,000
2	12,7x108mm API Cartridges	2,000,000

6. Place of installation of the goods: **United Arab Emirates / UAE ARMED FORCES**

7. Use of the goods: **Use for own needs of the United Arab Emirates**

8. The End user if the specific goods hereby confirm that the good, stated in clause 5 will neither be used for any other purposes, except stated in clause 7, nor transferred to any other legal or natural person on the territory of the UAE, re-exported or handed over to third countries without prior consent of the empowered authorities of the Ukraine and UAE.

United Arab Emirates

BRIGADIER DR.
DIRECTOR GENERAL PURCHASING
STAFF BRIG.(ENG) WAHEED HASANE ALZAAKI

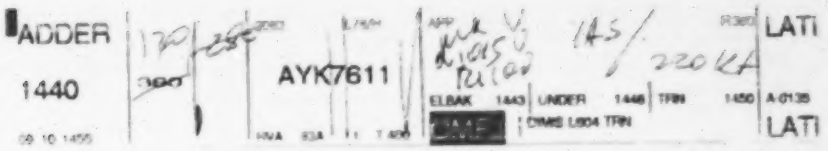
(authorized signatory)

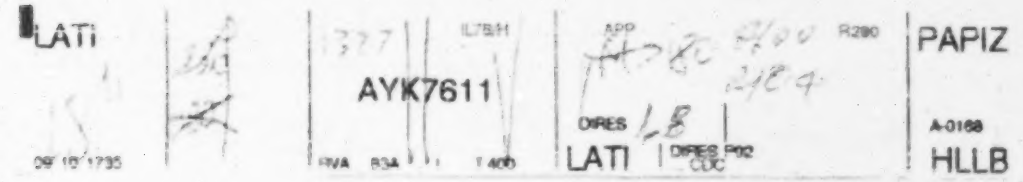
(authorized signature, official seal)

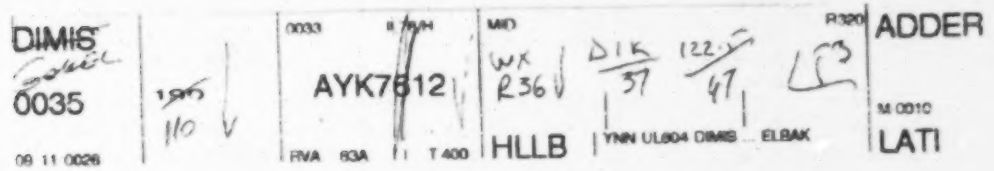
Sunday, 17 July 2011
(date signed – dd/mm/yyyy)

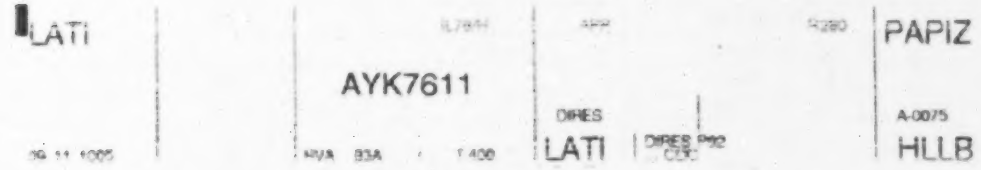
Annex IX

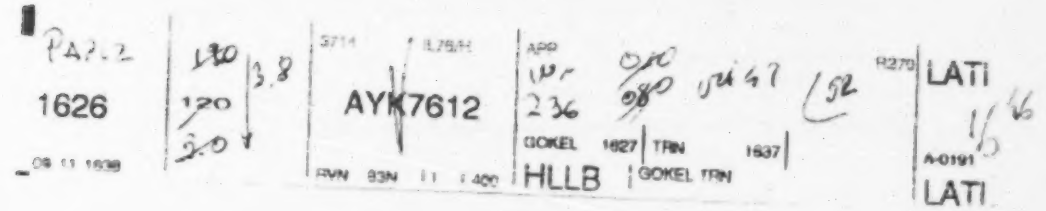
Ayk Avia flight plans

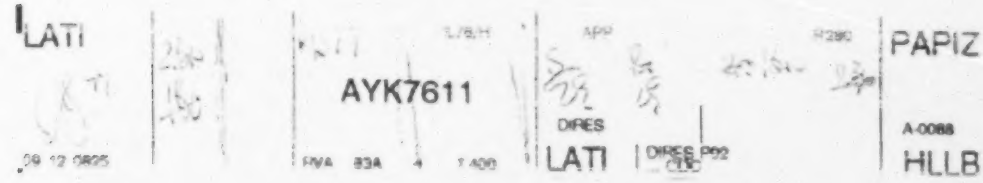












Annex X

Arms and ammunition from Libya confiscated by the Tunisian authorities in 2011 and 2012

Materiel	*2011*	*2012*	*Total*
Arms			
Handguns	4	12	16
Assault rifles	20	19	39
Hunting rifles	-	7	7
PKM	-	1	1
12.7 Heavy Machine Guns	1	1	2
RPG	3	4	7
Mortar 60 mm	1	1	2
SA-7b		1	1
Ammunition			
5.56x45	108	2804	2912
.25 ACP	1	49	50
9mm	122	718	840
7.65mm	3	146	149
Other handguns ammunition	75	1079	1154
12 gauge	56	483	539
16 gauge	-	302	302
5.7x28mm	-	4	4
7.62x39mm	1486	11645	13131
7.62X51mm	448	515	963
7.62x54mmR	71	5790	5861
12.7x99mm	4	11	15
12.7x108mm	1	594	595
14.5x114mm	9	318	327
Grenades	-	11	11
PG rockets	55	36	91
Other ammunition	145	150	295
Other materiel			
spare parts, fuses, binoculars, bayonets, chargers			

Source: List provided by the Tunisian authorities, January 2013.

Annex XI

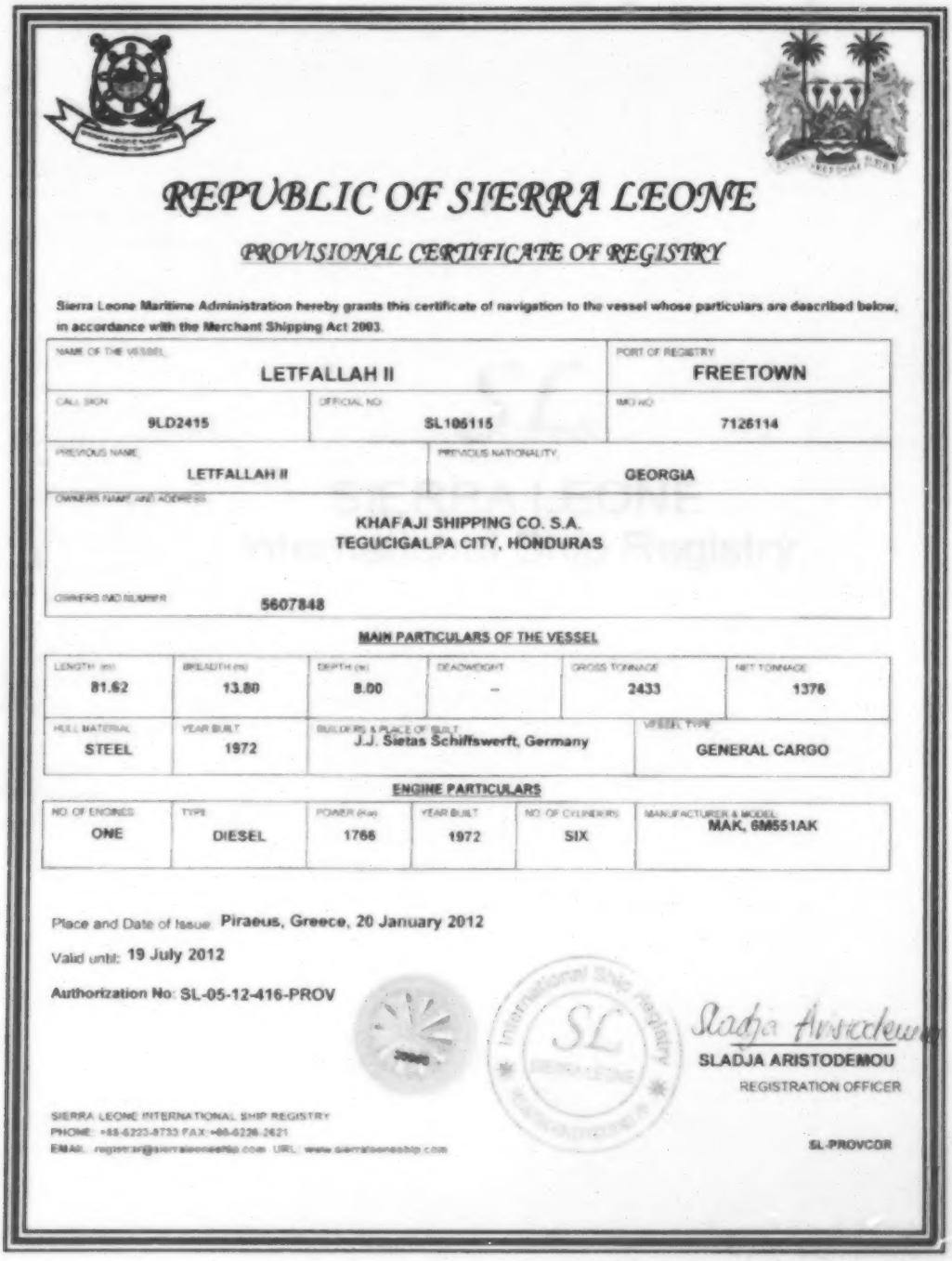
Cases of violations of the arms embargo reported to the Panel by the Algerian authorities between April 2011 and March 2012

Date	*Location*	*Materiel*	*Contextual information*
11/04/2011		Arms	2 vehicles – Not intercepted. Materiel served in a terrorist attack against a military position
04/07/2011	Ghardaia	4 AK rifles, 2 handguns, explosives and ammunition, arms accessories	Interception – Materiel brought back from Libya by a terrorist cell close to Mokhtar Belmokhtar
20/07/2011	Adrar	3 handguns	Arms destined for Al-Qaida in the Islamic Maghreb
21/10/2011	Anai Pass	1 machine gun, 5 AK rifles, 1 handgun, ammunition	
07/11/2011	Anai Pass	1 machine gun, 5 sniper rifles, 12 AK rifles, 1 handgun, ammunition	Convoy of 10 vehicles
04/12/2011	El Oued	Arms shipment	Group linked to Tarek Ibn Zyad group, charged with establishing arms trafficking network from Libya. Intercepted. Not the first time that they attempted to traffic weapons to Algeria
03/01/2012	Anai Pass	4 heavy machine guns, 4 RPG, 57 general purpose machine guns, 82 AK rifles, 5 FAL assault rifles, 489 PG 7 rockets, ammunition	4 vehicles intercepted – several arrests of different nationalities from the region
22/02/2012	In Amenas	21 SNORA rockets and home-made launcher	

Source: Algerian authorities.

Annex XII

Letfallah II registry certificate



REPUBLIC OF SIERRA LEONE

PROVISIONAL CERTIFICATE OF REGISTRY

Sierra Leone Maritime Administration hereby grants this certificate of navigation to the vessel whose particulars are described below, in accordance with the Merchant Shipping Act 2003.

NAME OF THE VESSEL		PORT OF REGISTRY
LETFALLAH II		FREETOWN
CALL SIGN: 9LD2415	OFFICIAL NO: SL105115	IMO NO: 7126114
PREVIOUS NAME: LETFALLAH II	PREVIOUS NATIONALITY: GEORGIA	
OWNERS NAME AND ADDRESS: KHAFAJI SHIPPING CO. S.A. TEGUCIGALPA CITY, HONDURAS		
OWNERS IMO NUMBER: 5607848		

MAIN PARTICULARS OF THE VESSEL

LENGTH (m)	BREADTH (m)	DEPTH (m)	DEADWEIGHT	GROSS TONNAGE	NET TONNAGE
81.62	13.80	8.00	--	2433	1376

HULL MATERIAL	YEAR BUILT	BUILDERS & PLACE OF BUILT	VESSEL TYPE
STEEL	1972	J.J. Sietas Schiffswerft, Germany	GENERAL CARGO

ENGINE PARTICULARS

NO. OF ENGINES	TYPE	POWER (Kw)	YEAR BUILT	NO. OF CYLINDERS	MANUFACTURER & MODEL
ONE	DIESEL	1766	1972	SIX	MAK, 6M551AK

Place and Date of Issue: Piraeus, Greece, 20 January 2012

Valid until: 19 July 2012

Authorization No: SL-05-12-416-PROV

SLADJA ARISTODEMOU
REGISTRATION OFFICER

SIERRA LEONE INTERNATIONAL SHIP REGISTRY
PHONE: +48-6223-8733 FAX: +48-6236-2621
EMAIL: registrar@sierraleoneship.com URL: www.sierraleoneship.com

SL-PROVCOR

Annex XIII

Arms and ammunition seized on board the *Letfallah II*

Type of items	*Quantity*
Weapon systems	
Kalachnikov type assault rifles	23
FN FALs	14
Dragunov sniper rifles	3
BKT[a]	13
12.7mm heavy machine gun	1
14.5mm heavy machine guns - twin barrel	2
RPG	24
Antitank recoilless rifles	4 (+ 4 bases)
120 mm mortar	1
82 mm mortar	1
60 mm mortar	1
Ammunition	
Rocket 130mm	11
Tank rounds 115 and 125mm	6
SA-24 Igla-S	2
SA-7b	10 (+ 1 gripstock and 6 batteries)
Anti-tank missiles	23 (Including 2 MILAN, 5 KONKURS-M, 3 METIS-M, 1 MALUTKA)
7.62x39, 7.62x51, 7,62x54mmR	378 274
12.7mm	165 960
14.5mm	22 450
23 mm	6285
57mm rockets	758
68mm rockets	201
Different types of artillery rounds	18
PG rockets	1640
Other rockets	9
Recoilless rifle rounds 73mm	483
Recoilless rifle rounds 106mm HEAT	24
107mm Katyosha	9
Different types of mortar rounds	528
Defensive and offensive hand grenades	786
Different types of rifle grenades	319
Mines and explosives	
Anti-tank mines	8
Semtex H	40kg
400 g TNT blocks	4
Other items	
Sights, magazines, cleaning kits, spare parts for weapons, military uniforms, helmets, gas masks, communication equipment (71 radios), propulsive charges for rockets and fuses.	

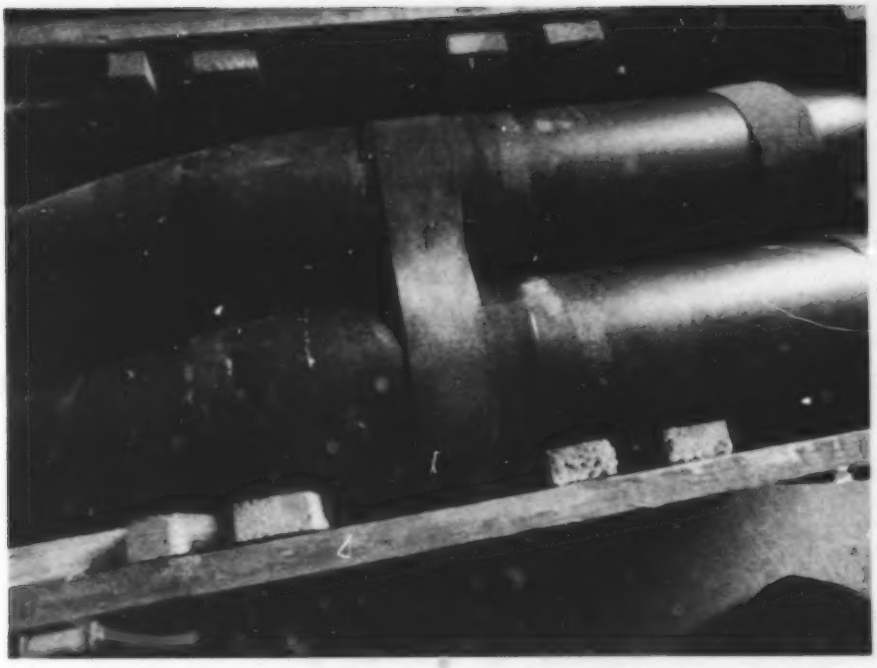
Source: Lebanese authorities, 2012.

[a] Term used in Lebanon to define a general-purpose machine gun.

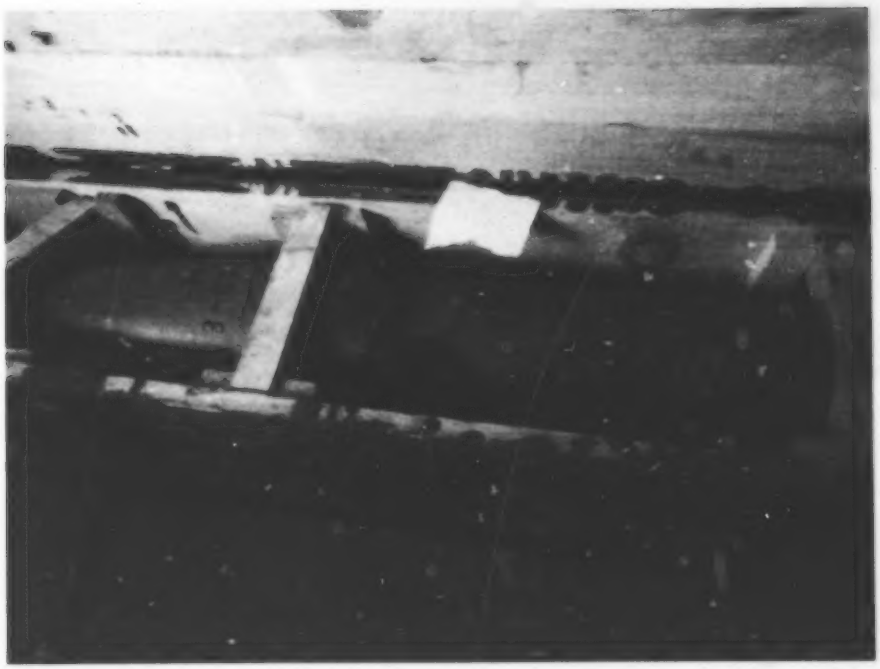
Annex XIV

Pictures of different types of materiel seized on board the *Letfallah II*

12.7 mm ammunition



107 mm rockets



130 mm rocket

Anti-vehicle mines

FN FALs

MAG machine guns

SA 24 Igla-S

SA-7b and SA-24 and various ATGM

SNEB rockets

SNORA rockets (RAK 022)

Annex XV

Guidance on the notification of exemptions to the asset freeze measures

This guidance contains information aimed at assisting Member States in the implementation of the asset freeze imposed on certain Libyan individuals and entities as listed by the Security Council or its Committee, and focuses particularly on the provisions for exemptions as described in the relevant UN Security Council resolutions.

The United Nations monitors reported sanctions violations and determines appropriate actions to take in response. The principal body mandated to monitor implementation of measures imposed in Security Council resolutions 1970 (2011) and 1973 (2011) and modified by resolution 2009(2011), and to examine and take appropriate action on information regarding alleged violations or non-compliance is the Security Council's Committee established pursuant to resolution 1970 (2011). The Panel of Experts assists the Committee in carrying out its mandate through gathering, examining and analysing information from Member States and other interested parties regarding the implementation of the sanctions and in particular, incidents of non-compliance (Security Council resolution 2040, paragraph 10b). The Panel comprises impartial, independent individuals with relevant technical expertise.

The Panel would like to remind Member States of the provisions of the relevant resolutions, and that frozen assets of designated entities/individuals can only be unfrozen in the following circumstances:

1. If the entity(ies) or individual(s) are removed from the list of designated entities and individuals by a decision of the Council or its Committee (updated list available at http://www.un.org/sc/committees/1970/pdf/List%20of%20Individuals%20and%20Entities.pdf). In this case, Member States have to immediately release assets belonging to such de-listed entities and or individuals that have been frozen in their territory without any further communication from the Council or from the Committee. Member States can no longer invoke UN provisions.

2. If the provisions of paragraphs 19 to 21 of resolution 1970 (2011), which describe the relevant exemption procedures, are properly adhered to. Member States will recall these provisions, which are copied below for ease of reference:

   19. Decides that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

   (a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification.

   Member States submit an exemption application to the Committee, which should include, at minimum, the following:

   1. the purpose for which the authorisation is intended to be granted;
   2. the name of the bank that holds the frozen assets concerned;
   3. the amount to be unfrozen;
   4. The name and bank details of the recipient.

5. the request should come from the owner of the frozen assets or from his/her legal representative *(designated individuals/entities retain ownership of the assets even though subject to the asset freeze measure);*

If no objection comes from the Committee within 5 working days, Member States can proceed and release concerned funds.

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee.

In this case Member States have to submit an application to the Committee which should include at minimum the same information indicated above. MS can proceed and release concerned funds only after having received a written authorisation from the Committee.

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee.

Member States must notify the Committee of the intention to authorise the use of frozen assets to honour judicial, administrative or arbitral lien or judgment. Notification should include, at minimum:

- Date of the lien or judgment and, where possible, a copy of it;
- Name of the listed individual or entity whose funds will be used;
- The assurance that such money will be not used for the benefit of a listed entity and/or individual.

Designated persons and entities may request, through the relevant Member State, an authorisation to use their frozen assets, for example to satisfy a creditor, but cannot invoke the freezing measures as an excuse for defaulting.

20. *Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.*

Member States may deposit interest due to frozen accounts without submitting any request to the Committee. As long as MS provide that such earnings will be deposited into a frozen account they do not breach any sanction. Therefore, for instance, interest from a frozen bank account can be put into the same frozen account.

21. *Decides that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization.*

Member States must notify the Committee of the intention to authorise the use of frozen assets to honour contracts entered into prior to the listing of such a person or entity, 10 working days prior to such authorisation. Notification should include, at minimum:

- Date of the contract and, where possible, a copy of it;
- Name of the listed individual or entity whose funds will be used;
- The assurance that such money will be not used for the benefit of a listed entity and/or individual.

In such cases, designated persons and entities may request, through the relevant Member State, an authorisation to use their frozen assets, for example to satisfy a creditor, but cannot invoke the freezing measures as an excuse for defaulting.

3. If the provisions of paragraphs 15 and 16 of resolution 2009 (2011), which describe the relevant exemption procedures, are properly adhered to. In this case, Member States must submit to the Committee their decision to unfreeze assets belonging to listed individuals or entities, specifically referring to the exemption they intend to apply, by mentioning the paragraph of the relevant resolutions, and as long as the Committee does not object to the notification, or approves the request, depending on the category of the exemptions concerned.

Member States will recall these provisions, which are copied below for ease of reference:

15. Decides to modify the measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) with respect to [...] the Libyan Investment Authority (LIA), and the Libyan Africa Investment Portfolio (LAIP) as follows:*

(a) funds, other financial assets and economic resources outside of Libya of the entities mentioned in this paragraph above that are frozen as of the date of this resolution pursuant to measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) shall remain frozen by States unless subject to an exemption as set out in paragraphs 19, 20 or 21 of that resolution or paragraph 16 below.

Member States must keep frozen the assets of listed entities and individuals that have been frozen in their territory before the date of resolution 2009 (2011), 16 September 2011. However, Member States may submit an exemption request to the Committee pursuant to the above-explained provisions stated in resolution 1970 (2011) paragraphs 19 to 21, and still valid, or pursuant to paragraph 16 below.

(b) except as provided in (a), [...] the LIA, and the LAIP shall otherwise no longer be subject to the measures imposed in paragraphs 17 of resolution 1970 (2011), including that States are no longer required to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of these entities.

Member States may resume commercial activities with the LIA and the LAIP and such new business is no longer subject to the assets freezing measures. With regard to subsidiaries, as has previously been notified *(see IAN #1)*, they are no longer subject to the asset freeze. However, if Member States suspect or have reasonable grounds to suspect that these assets may be used by or for the benefit of listed individuals, they should continue to freeze them pursuant to the relevant UN resolutions (paragraph 17 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011)).

16. Decides that in addition to the provisions of paragraph 19 of resolution 1970 (2011), the measures imposed by paragraph 17 of that resolution, as modified by paragraph 15 above and paragraph 19 of resolution 1973 (2011), do not apply to funds, other financial assets or economic resources of [...] the LIA and the LAIP provided that:

[* The Central bank of Libya and the Libyan Foreign Bank, which are also cited in paragraphs 15 and 16 of resolution 2009 (2011), were delisted by the Committee on 16 December 2011 and are therefore no longer subject to the Asset freeze measures]

(a) a Member State has provided notice to the Committee of its intent to authorize access to funds, other financial assets, or economic resources, for one or more of the following purposes and in the absence of a negative decision by the Committee within five working days of such a notification:

(i) humanitarian needs;

(ii) fuel, electricity and water for strictly civilian uses;

(iii) resuming Libyan production and sale of hydrocarbons;

(iv) establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or

(v) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya;

(b) a Member State has notified the Committee that those funds, other financial assets or economic resources shall not be made available to or for the benefit of the individuals subject to the measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011);

(c) the Member State has consulted in advance with the Libyan authorities about the use of such funds, other financial assets, or economic resources; and

(d) the Member State has shared with the Libyan authorities the notification submitted pursuant to this paragraph and the Libyan authorities have not objected within five working days to the release of such funds, other financial assets, or economic resources.

Member States must comply with all of these points, and must notify the Committee of their intention to release frozen assets by application that should include, at minimum:

- the purpose for which the authorisation application has been made;
- the name of the bank that holds the frozen asset;
- the amount to be unfrozen;
- an assurance that such money will be not used by any listed entity and/or individual;
- evidence that the Libyan authorities agreed the purpose of the authorisation, *for example* a confirmation letter from the Libyan Government.

If no objection is made by the Committee within 5 working days, Member States can proceed and release the assets.

Any enquiries or information regarding the contents of this guidance Notice should be directed to the Panel of Experts who may be contacted through the Committee secretariat at: sc-1970-committee@un.org.

Annex XVI

Council of Minister's Decision No. 34 of 2012, predicated on Law No. 87 of 1971

(Unofficial translations)

Law number 87 for the year 1971 regarding the Government Cases Department

In the name of the people,
Revolutionary Command Council,
after perusal of the Judiciary Act Law number 29 for the year 1962 and its amended laws.
and the Commercial and Civil Procedures Act,
and Advocacy Law number 8 for the year 1965, and its amended laws,
law number 86 for the year 1971 to establish the Supreme Council of Judicial Authorities,
and based on what has been presented by the Minister of Justice and approved by the Cabinet,
we issue the following law:

Article (1)
Government Cases Department is a stand-alone department , subordinate to the Ministry of Justice, and is regulated based on the provisions of this law and considered a judicial authority.

Article (2)
The Government Cases Department is constituted from head of the Department, secretary, and a sufficient number of assisting counsels, and attorneys according to the attached table.

Article (3)
It is permissible to establish sections related to the Government Cases Department. A decision from the Minister of Justice, based on the suggestion of the Head of the Department, is issued to establish such sections and its jurisdictions.

Article (4)
The Cases Department acts on behalf of the government and public organisations and institutions in the lawsuits filed by or against them in courts of various types and grades, and other authorities with jurisdiction bestowed by law, and in all other legal procedures.

The Department may act on behalf of companies or establishments where the state owns all or a majority of their capital and other institutions that fall under the state's administration in suits filed by or against them. This is followed by a decision issued by the Minister of Justice with the approval of the afore-mentioned company, establishment, or body.

The Head of the Department may entrust the counsels in the aforementioned public institutions, establishments or companies to undertake all or some cases filed by or against these bodies or to handle some of their related procedures.

Article (5)
No reconciliation may be carried out in a suit proceeded by the Government Cases Department, except after its opinion is taken, while this Department may suggest a reconciliation to the relevant authority in the cases it undertakes.

Article (6)
The Government Cases Department may give its justified opinion to the management body not to file or carry out any suit or appeal if it sees no benefit from filing or carrying them out.

The management body may not overlook that opinion, except with the decision of the competent minister.

Article (7)
The documents of suits, appeals, verdicts, and all legal paperwork related to the government and public establishments, institutions and other bodies, which the Department acts on behalf of according to the statues of this law, may be sent to the Department or its relevant section and copies thereof are given to the latter, hence the Department is to inform the relevant bodies of the suits, appeals, verdicts, and mentioned documents.

Article (8)
The ministries, public institutions and other bodies are to inform the Government Cases
Department of all the documents and data related to the lawsuits filed by or against them with no delay. The Cases Department has the right to request representatives from the ministries, institutions, and other bodies, to present its needed clarifications.

The Cases Department must inform the relevant body of the verdict issued in any suit filed by or against it.

Article (9)
The Head of the Government Cases Department acts on behalf of the administration in all its communication with the official authorities and others, and supervises all the work of the Department, its members and employees. In this capacity, he may take procedures and issue orders that guarantee the proper functioning. He may also give Deputy of the Department some of his capacities, and the Deputy acts on behalf of the Head of the Department in the latter's absence.

Article (10)
The Section's Chief, under the supervision of the Head of the Department, carries out all the technical and administrative work in the jurisdiction of his relevant section, and is responsible before the Head of the Department for the proper functioning, and submits to him a report every six months on the section's work including the processed cases, the cases requested to be filed, and the resolved cases. The report is also to include all the chief's comments and suggestions.

Article (11)
While keeping in mind the provisions of this law, the regulations for hiring, promotions, bonuses, evaluations, transfers, delegation, discipline, termination, and retirement apply to the Head of the Government Cases Department, deputy, counsels, assistant counsels, and attorneys, that apply to those employed by the Public Prosecution in the equivalent jobs. The Supreme Council of Judicial Authorities is responsible for these affairs for the members of the attorney general.

Article (12)
Transfers may occur between members of judiciary and Public Prosecution and the members of the Government Cases Department in the same way of appointment is carried out for the jobs being transferred to.

Article (13)
The Government Cases Department members are subordinate to their senior officials upon their official ranking and finally to the Minister of Justice.

Article (14)
The Minister of Justice and the Head of the Government Cases Department have the right to warn the Department's non-counsels members, should any failure in their responsibilities occurs. In turn, they have the right to object before the Supreme Council of Judiciary Authorities within sixty days after the warning.

Article (15)
The work of the members of the Government Cases Department is to be overseen (searched) as deemed proper by the decision of the Minister's of Justice, after taking the opinion of the Supreme Council of Judiciary Bodies.

Article (16)
The appointment of work place, transfer, and designation of members of the Government Cases Department, from the Department to its sections or from the sections to the Department, is to be taken by a decision issued by the Minister of Justice after consulting with the Head of the Department.

The allowance of annual leaves for the members of the Department is to be decided the Head of the Department.

Article (17)
Adequate number of administrative employees and clerks is to be added to the Government Cases Department, and they are to be subject to the provisions of the Civil Service Law and the regulations issued therein. The Head of the Department shall have the responsibilities towards them as stated by this law and set for the head of any authority.

Article (18)
The administrative employees and clerks at the Government Cases Department have the right to view suit files in court and copy the data of documents and papers included therein, commissioned by the Head of the Department or the relevant section manager.

Article (19)
Non-Libyans who have all other employment requirements may be hired in technical posts in the Government Cases Department with contracts that include determined salaries, work conditions, and duration.

Article (20)
The current members of the Government Cases Department are to be hired in the new posts according to the attached table along with a decision made by the Prime Minister issued upon the suggestion of the Minister of Justice within three months from the effective date of this law.

Hiring of each of them shall be according to the post where his salary falls into within the limit of its grade. If the salary falls into more than one hiring grade, then the employment shall be upon the lowest grade.

Each of them is to maintain his current salary and all determined benefits. If any of their salaries does not match the determined salary grade in the grade where he is hired within, hence he shall be given a bonus that lifts his salary to match that grade, while this said bonus shall have no effect on the subsequent determined annual bonus.

Those who are not hired according to the first paragraph are to be transferred to other posts at the Ministry of Justice or other ministries according to a decision made by the Prime Minister.

Article (21)
Any text that violates the provisions of this law is to be abolished.

Article (22)
The Minister of Justice shall apply this law, and it comes into effect on the day it is published in the official gazette.

Revolutionary Command Council – Colonel-Muammar al-Qadhafi\Prime Minister
Mohamed Ali Al-Gedi, Minister of justice
Issued on Ramadan 11th, 1391, corresponding to October 30th, 1971.

Council of Minister Decision No. 34 for the year 2012 to form a committee and specify its authorities

The Council of Ministers
(Listing the relevant statutes and regulations)

Decided

Article (1)
Form a committee composed as follows:
1. President of the Litigation Department President
2. President of the foreign disputes section in the Litigation Department Member
3. Attorney general office Member
4. Representative of the Central Bank of Libya Member
5. Representative of the Ministry of Finance Member
6. Representative of the Ministry of Interior Member
7. Representative of the Libyan Investment Enterprise Member

Article (2)
The committee formed by virtue of the previous article will have the authority to take all necessary actions and arrangements to have knowledge of the Libyan assets smuggled abroad, and for this it has the authority to do the following:
1. Identify the Libyan assets smuggled abroad or that were invested in projects or shell investment portfolios with the intent to smuggle them, whether they were fixed or moveable, and collect the documents showing them.
2. Uncover the disguise of these assets and their means of concealment, their places and movements and understand the rights related thereto and the different facets of their possession.
3. Suggest a temporary ban on the movement of the assets, their transfer, enjoyment, usage or right of usufruct and that by causing the issuance of expedited or temporary orders by the relevant authorities domestically or abroad.
4. Transfer the suspicious criminal activities to the attorney general office.
5. Suggest the necessary actions that would guarantee the repatriation of the smuggled assets according to the procedures provided for in the law, in the executed conventions and international treaties.
6. Suggest the initiation of lawsuits before the relevant courts when necessary.

Article (3)
The committee may request from the relevant authorities to provide it with any documents, contracts, files relating to investment projects and the funding of projects and the development projects that were executed under the previous regime.

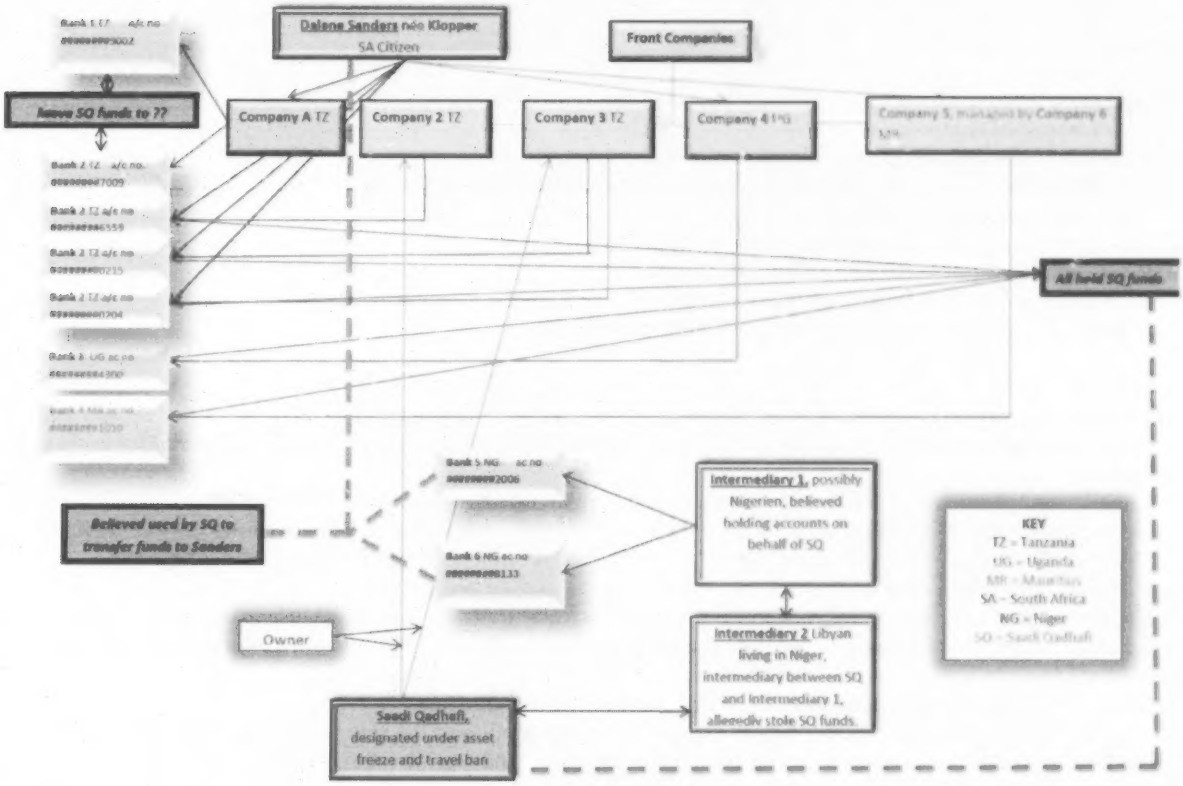
Article (4)
The committee may seek the assistance of whomever it deems necessary from international and local experts to complete its tasks and it has to complete these tasks within a period not exceeding two months from the entry into effect of this decision and to submit a detailed report of its activities to the Council of Ministers.

Article (5)
This decision is effective upon its issuance and must be applied by the relevant parties.

The Council of Ministers
6/2/2012

Annex XVII

Saadi Qadhafi financial association chart


Dalene Sanders née Klopper
SA Citizen
Front Companies
Company A TZ
Company 2 TZ
Company 3 TZ
Company 4 [illegible]
All held SQ funds
Believed used by SQ to transfer funds to Sanders
Owner
Intermediary 1, possibly Nigerien, believed holding accounts on behalf of SQ
Intermediary 2 Libyan living in Niger, intermediary between SQ and Intermediary 1, allegedly stole SQ funds.
Saadi Qadhafi, designated under asset freeze and travel ban
KEY
TZ = Tanzania
UG = Uganda
MR = Mauritius
SA = South Africa
NG = Niger
SQ = Saadi Qadhafi

Annex XVIII

False Malian identification and passport of Abdullah Al-Senussi

REPUBLIQUE DU MALI
PASSEPORT
PASSPORT
جواز سفر
MLI
B0515260
OULD AHMED
ABDOULLAH
COMMERCANT
10 JAN/JAN 12
10 JAN/JAN 17
ANEFIF, KIDAL MLI
BAMAKO
P<MLIOULD<AHMED<<ABDOULLAH<<<<<<<<<<<<<<
B0515260<8MLI48<<<<2M1701108<<<<<<<<<<<<<<0
IG. Niania Y. DIALLO
B0515260